The Social Contract

Vol. XII, No. 2 Winter 2002

Highlights

How Shall We Respond to the Terrorist Attacks:
- Steven Emerson
- Steven Camarota
- Mark Krikorian
- James H. Walsh
- Lindsey Grant
- Rep. Ron Paul

Gerda Bikales writes about becoming a naturalized American.

Senator Byrd discusses mass immigration in light of its pressures on services.

Reports from the Twenty-fifth Social Contract Writers Workshop by:
- Richard D. Lamm
- Rosemary Jenks
- Hugh Graham
- Vernon M. Briggs, Jr.
- Lawrence Harrison
- David Simcox

Denis McCormack reports on the November 2001 election in Australia.

Book reviews by Anne Manetas, Walter Youngquist, John Rohe, Kevin Lamb and Otis L. Graham.

The Terrorists Among Us

National Security vs Constitutional Liberties

President Bush and Defense Secretary Rumsfeld tour the impact area at the Pentagon, September 12, 2001
AFP PHOTO / Paul J. Richards

Carl Horowitz discusses 'Immigration and the Culture War.' See page 141.

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About THE SOCIAL CONTRACT

The English philosopher John Locke, whose thinking helped inspire the American revolution, said that society should be governed by an understood set of values he termed "the social contract." Under the social contract, governments have obligations to their citizens, and citizens have responsibilities to society.

Most public issues are basically moral and ethical ones. What is the right thing to do? How do we decide what we think is right? When "rights" collide, which ones take precedence? The concept of the social contract helps us sort out the difficult issues confronting American society today and helps us find balance.

Each quarter THE SOCIAL CONTRACT journal examines trends, events, and ideas that have an impact on America's delicate social fabric. Key topics addressed by this journal:

- *Human population issues, including absolute size, rate of growth, and distribution. Do cherished American ideals prosper or suffer through further population growth?*
- *Immigration issues. In order to best facilitate meeting the highest goals of the American people, (1) how many immigrants should we admit? (2) who should be admitted? and (3) how can we humanely enforce the rules?*
- *Language, assimilation, culture, and national unity considerations. What are shared values necessary to the maintenance of our social contract?*
- *The balance of individual rights and civic responsibilities. Since the previous issues are so often framed in terms of rights, what are the balancing obligations?*
- *Other nations' efforts at creating and guarding their own social contracts. What practical insight can be gained from observing the failures and successes in nation-building by other societies?*

THE SOCIAL CONTRACT explores these complex and interrelated issues with articles, essays and book reviews that vary greatly in outlook and philosophy. We encourage a wide spectrum of opinion as we publish contributions from many vantage points. The opinions expressed by the writers are not necessarily those of the editors or publisher.

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A Note from the Editor

We Let Too Many In

The September 11 terrorist attacks confirmed what we have long contended, namely, that America's borders and points of entry (sea and air ports) are wide open and offer little or no impediment to criminals and terrorists. Said Bill King, a retired senior Border Patrol officer and former head of the Border Patrol Academy, "It should be universally recognized that our borders are out of control...Both our borders (with Mexico and Canada) are sieves. Anyone can cross either border today."

An estimated 530 million people, one-third of them returning Americans, cross U. S. borders every year. Some 350 million are non-U.S. resident foreigners. Most arrive through the 150 ports of entry along the Canadian and Mexican borders. The INS has only 4,775 inspectors to process persons who enter the U.S. Inspections are cursory at best. Job seekers, criminals, disease carriers, and foreign agents and terrorists come at will.

Approximately thirty-one million foreigners legally enter the U.S. annually sporting one of more than fifty categories of visas. "Tourists" account for seventy-seven percent of visas issued by our overseas consulates, with business travelers making up fourteen percent and students and their families 1.8 percent. Screening of visa applicants is superficial. Of the nine million or more illegal aliens living in the U.S., at least forty percent of them walked right in through a port of entry carrying legally-issued visas and have simply remained here after their visas expired. They didn't have to wade the Rio Grande River or sneak across the Canadian border.

The foreign student visa program has come under renewed scrutiny since September 11. Hani Hanjour, who piloted the jet that was crashed into the Pentagon, legally entered on a student visa. He claimed he was going to study English at Holy Names College, a Catholic school in Oakland, California. Like many other "students," he never enrolled. Others show up for registration and later disappear as the semester wears on. In 1999 (the most recent year for which figures are available), there were 567,146 foreign students, who brought along 36,641 family members. Additionally, 275,519 "exchange visitors" with 43,841 relatives, entered to participate in educational programs, raising the total to 923,147.

In the first two weeks after the September 11 attacks, the U.S. State Department issued over 8967 new visas to Middle Easterners. Dual citizens make up more entrants.

Many more millions legally enter the U.S. without any visa at all. Nationals of twenty-nine countries can come in for up to ninety days for business or tourism without visas. During 1999, approximately seventeen million foreigners arrived under this program. Canadians do not need visas to enter the U.S., nor do Mexicans living in border areas who state they plan to visit or shop along the border. This program clearly invites abuse.

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The sheer volume of people coming into the U.S. overwhelms security efforts. Not only do we need a massive reduction in legal immigration and an end to illegal immigration but the number of visa carriers must be severely restricted. To enforce our immigration laws, many more Interior Enforcement officers (INS Investigators, of which there are only around 2000) are required.

In this issue of *The Social Contract* we offer a lengthy section of essays and testimony given in response to the terrorist attacks. In addition, on October 21, 2001, the Twenty-Fifth Social Contract Writers Workshop was held in Arlington, Virginia. Many of the salient reports given at the meeting are reprinted here.

* * * * * *

If you haven't seen it, we recommend the video report, *Jihad in America: The Terrorists Among Us* by Steven Emerson whose testimony before a Congressional committee is reprinted in this issue. This hour-long program explores the Islamic terrorist network that was involved in the recent attacks, including segments from meetings held in various locations in the United States. The video retails for $14.98, but can be purchased at a discount through the on-line retailer, www.Amazon.com.

WAYNE LUTTON, Ph.D.

Looking at Letters to Other Editors...

Under the headline, "Meatpacking: We Are Marching Backward," a police officer in Anaheim, California, and a member of the Anaheim Unified School District Board of Trustees, placed this letter to the editors of the *Dallas Morning News:*

In 1906 Upton Sinclair wrote about the horrors of the meatpacking industry in his novel, *The Jungle*. Well, the jungle has returned. The meatpacking industry has replaced hard-working Americans in a relatively safe job with, in many cases, illegal aliens in an unsafe job. They took middle-class work and turned it into a low-paying job. They made a profit... but I sure as heck didn't see a drop in prices.

I believe that every business should be able to make a reasonable profit, but when they get so greedy as to march backward in time I think they need greater scrutiny. I will no longer buy any Tyson product, no matter what it is, ever. It's time for another Upton Sinclair to scrutinize the entire meat industry again.

Harald G. Martin
Anaheim, California

Letters to the Editor

EDITOR:

I write to state that the recent issue of *The Social Contract* (Vol. XII, No. 1, Fall 2001) was truly inspired. It is a wonderful and important blend of statements as to why Garrett Hardin's views should be known and listened to, along with important excerpts from his works. Then there are the additional comments relative to the very dramatic events of this fall. Altogether this is a premier issue of *The Social Contract*. I was particularly taken by Lindsey Grant's item. I have known Lindsey over the years by correspondence — his background from work in the State Department gives him an important perspective on world affairs.

WALTER YOUNGQUIST
Eugene, Oregon

EDITOR:

I read David Simcox's excellent article about filling the gaps in our immigration laws. Among other things, Simcox explains how we should tighten up our student, tourist, and work visas. We do have big problems with that. The U.S. does not need any more people of any kind. If we would train and educate our own and produce our own harvest, we could end almost all immigration. See studies by Professor Norman Matloff of California State and the U.S. Department of Labor. This is especially urgent in a time of record unemployment.

WARREN L. BROWN
Portland, Maine

EDITOR:

I have lived all over the world and I am a native-born American. It is about time somebody spoke up about our importing millions of people who have backward ideas about women and society in general and who are basically anti-American under the skin. I have long asked myself where NOW was on this issue. NOW struggles for women's rights, and at the same time Washington imports millions of people who are basically against NOW's aims. I believe that the government wants to keep up this supply of forced labor that works cheap out of fear of being discovered as illegal and also supplies a liberal voting base.

HAROLD SCHULLER
Hallendale, Florida

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Oversight Is Needed

Preserving our freedoms while defending against terrorism

Testimony by Steven Emerson

On September 11, 2001, thousands of Americans were executed, most of them incinerated, in the worst terrorist attack on American soil in the history of the United States. In the wake of this attack, the President of the United States has declared a war against the terrorists.

In the war on terrorism, the military component poses the greatest strategic challenge and incurs the greatest potential for American casualties. But from the widest political perspective, the greatest challenge to the United States is the ability to recognize terrorist groups operating under false cover and veneer. Clearly, the success of Osama bin Laden and his Al Qaeda network has demonstrated, with murderous consequences, the ability of terrorist groups to hide under the facade of "human rights," "charitable," and "humanitarian" cover. In addition, the ability of militant Islamic groups to hide under the protection of the larger non-violent and peaceful Islamic community has created a challenge for policymakers and officials, the likes of which has not been present before in American society. Sleeper cells that are believed to number in the tens, possibly hundreds, also constitute a dangerous threat to American society.

As someone who has tracked and investigated the activities of militant Islamic fundamentalist networks for the past eight years, I am presenting in the following testimony the results of my recent investigations into the operations of terrorist networks in the United States.

My basic investigative findings are summarized as follows:

• Osama bin Laden has systematically recruited American passport holders (like Wadih El Hage, now in prison for his role in the 1998 bombings of the United States embassies in Kenya and Tanzania) in order to exploit the ease with which these operatives can travel freely around the world as well as ship American communications technology to the Bin Laden network.

• Bin Laden recruited a United States Special Forces sergeant who then became the secret head of security for Bin Laden, while serving as a triple agent, pretending to assist the FBI on counterterrorism matters, even though he was serving as a top aide to Bin Laden.

• Bin Laden has created front organizations serving under false cover as groups with missions officially tethered to "human rights," "charitable," and "humanitarian" purposes. The most striking and hitherto secret organization serving under the false "human rights" facade was created by Bin Laden with offices in London, Kansas City (Missouri), and Denver.

• Hamas has created a network of cover groups, "humanitarian organizations," and commercial companies in the United States.

• Militant Islamic groups based and headquartered in the United States have exhorted their followers, behind closed doors and out of the earshot of the American public and media, to carry out and raise funds for Jihad (in this sense, referring to the concept of "holy war").

***Steven Emerson**, a freelance journalist, is an internationally-recognized expert on terrorism and national security. Numerous awards followed the PBS broadcast of his documentary film,* Jihad in America. *Mr. Emerson serves as executive director of The Investigative Project and frequently has testified before Congress on terrorist infrastructure and the threat of Islamic fundamentalism. This testimony was given before the Senate Judiciary Committee, December 4, 2001.*

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• Bin Laden has created, exploited, and utilized a network of established charitable conduits throughout the world, including those headquartered in the United States.

• The Islamic Jihad terrorist group secretly set up its headquarters in the United States to promote the Islamic Jihad terrorist organization under the false cover of an academic institute connected to the University of South Florida and a "humanitarian" front group.

The events of September 11th may well have been impossible without the support of individuals and organizations with ties to al Qaeda, some of which are still operating in the United States today. Foreign terrorist organizations have utilized numerous modes of operation within the United States to facilitate their fund-raising goals. Their infiltration into American society has occurred through the use of domestic universities, establishment of innocuous-sounding non-governmental organization entities, and through the utilization of "front" corporations whether they be domestic or foreign corporations with branches within the United States. The following are examples of these various modus operandi from actual situations within the United States.

Barakaat Group of Companies: Funneling Money for al-Qaeda on American Soil

The intricate networks of supporters for terrorists exist on the organizational level, and the Bush administration has responded in kind. With each passing order by the President and the Treasury Department, the United States gets one step closer in ridding the terrorist element from our society. One such success is the governmental shutdown of the al-Barakaat Group of Companies, a hawala-type bank which allegedly funneled money for Osama bin Laden and his al Qaeda. Large sums of money used for terrorism were funneled directly from multiple branches of Barakaat in the U.S., right under our noses.

Though based in the United Arab Emirates, al-Barakaat has an abundance of subsidiaries, scattered across the world, with nine of them in the United States, including branches in or near Seattle, Minneapolis, Washington, Columbus, and Boston. In particular the Boston branch of Barakaat, Barakaat North America, Inc., moved more than two million dollars through an American bank. The head of Barakaat, Ahmed Nur Ali Jumale, is said to have befriended Osama bin Laden during the Afghani war against the Soviets. In 1988, Bin Laden donated a substantial amount of capital to Jumale, initiating the money flow between al Qaeda and Barakaat. The *London Daily Telegraph* reported that the Barakaat bank was owned by Al-Ittihad al-Islamiya, which is on the list of terrorist organizations whose assets were frozen by President Bush's first executive order. The Barakaat Bank of Somalia was also believed to be sending funds to Al-Ittihad al-Islamiya.

"The events of September 11th may well have been impossible without the support of individuals and organizations with ties to al Qaeda, some of which are still operating in the United States today."

Barakaat clearly flourished on American soil, incorporating in at least five states and working clandestinely as a benign money-transfer business. This organization could be one of many supposedly legitimate businesses that reside within the United States. It is therefore imperative that suspicious organizations be scrutinized to the fullest extent the law will allow. Cutting off the money flow to terrorist organizations and their supporters is an integral part of the war against terrorism. The war is now on our soil, and our enemy comes in many forms, including American businesses.

While businesses must be examined thoroughly, we must not forget to look at the fundamental base of these organizations – people who actively support the terrorist agenda. Terrorists make up these organizations, and they have exploited the United States and its liberties in every way possible.

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U.S. Passport Holders: Terrorist Candidates

American passport holders are recruited by terrorist groups because these operatives can move more easily, risking less suspicion than their counterparts who hold foreign passports. There are documented cases of individuals traveling in and out of the United States on their American passports to deliver money, weapons, and technical equipment such as satellite phones. This method of operation is used by various terrorist groups such as Hamas which used Muhammad Salah, an American naturalized citizen, to travel to Israel using his American passport to enter Palestinian territories carrying hundreds of thousands of dollars.

The al-Qaeda network used various U.S. passport holders such as Wadih El Hage, a 40-year-old naturalized American citizen from Lebanon who was convicted earlier this year for the 1998 embassy bombings in Kenya and Tanzania.

FBI Special Agent Robert Miranda testified in 2001 at the trial of Wadih El Hage and others for their roles in the bombings of the United States embassies in Kenya and Tanzania regarding an interview he conducted with El-Hage on August 20, 1998:

> *Q: Did he indicate to you why it was that he was asked to work for Osama bin Laden?*
>
> *Miranda: Yes. He said that because he had an American passport, Osama bin Laden wanted him to work for him because he could travel more freely and buy things for Bin Laden.*

One of Wadih El-Hage's attorneys, Sam Schmidt, emphasized this point even further at the same trial by stating:

> *The evidence will show that Wadih El Hage was hired by Bin Laden to work in the Sudan, not only because he was well- educated, a hard worker, honest, responsible and a devout Muslim, but, yes, he was an American free to travel throughout the world on an American passport.*

Wadih El-Hage served as Osama bin Laden's personal secretary in the early 1990's. In 1994, Mr. El-Hage moved to Kenya to set up businesses for Bin Laden to be used as terrorist fronts. Mr. Hage's business card shows him as a director of Anhar Trading, a company with addresses in Hamburg, Germany, and Arlington, Texas.

U.S. passport holders Tarik Hamdi and Ziyad Khaleel illustrate another example of al Qaeda's use of American citizens. Hamdi and Khaleel delivered a satellite telephone and battery pack to Osama bin Laden in Afghanistan in May 1998. Using this phone, Bin Laden conferred with followers across the globe and, according to prosecutors, ordered the bombing of the two American embassies in East Africa. Hamdi, a resident of Herndon, Virginia, traveled to Afghanistan with an *ABC News* team in order to coordinate an interview with Bin Laden. The phone itself was purchased by Khaleel.

"The use of individuals with American passports was a necessity for Bin Laden to achieve his goals."

In the trial mentioned above, an employee of O'Gara Satellite Networks testified on the sale of an INMARSAT phone to Ziyad Khaleel, a resident of Columbia, Missouri. This phone was allegedly for the exclusive use of Osama bin Laden. Khaleel purchased additional phone accessories and asked that the equipment be mailed to Tarik Hamdi at 933 Park Avenue in Herndon, Virginia 20170.

In the trial transcripts of March 27, Hamdi's name is mentioned time and again regarding the satellite phone issue. His name appears in a letter from *ABC World News Tonight* requesting an interview with Bin Laden, dated May 13, 1998 and addressed to Bin Laden's senior military commander, Mohammed Atef. Apparently Hamdi was familiar with Atef, since the letter contained a line referring to previous communication through "Mr. Tarik Hamdi in Washington." Later in the trial it was revealed that when Hamdi traveled to Afghanistan with the *ABC News* team, he sent a fax from Pakistan to a Bin Laden aide named Khalid al-Fawwaz. The fax read as follows: "Brother Khalid: Peace be upon you. We

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arrived safely and now we are in the Marriott Hotel." Soon after, Bin Laden received the battery pack that was so instrumental in Bin Laden's communication with his worldwide network.

The use of individuals with American passports was a necessity for Bin Laden to achieve his goals. One of the privileges that an American passport brings is the ability to travel from place to place with little or no interference. This was obviously the case with Wadih El Hage who, with his American passport, was able to pass in and out of the United States and into regions in Africa, the Middle East and Asia on instructions from Bin Laden himself. This trend should definitely raise a warning flag for future cooperation between international terrorists and sympathetic counterparts within the United States.

Ali Mohammed: Bin Laden's Special Operations Man Within the United States

Perhaps one of the most frightening examples of the infiltration of terrorists into the infrastructure of the United States is that of Ali Mohammed, one of the individuals indicted for his role in the conspiracy plot to bomb the United States embassies in Kenya and Tanzania. Mohammed was an officer within the United States Army's Special Forces based out of Fort Bragg, North Carolina. At the same time, he was arranging security for meetings between such individuals as Osama bin Laden and Hizbollah military chief Imad Mughniyeh in Sudan and coordinating activities with other Bin Laden operatives within the United States.

On November 8, 1990, FBI agents raided the New Jersey home of El Sayyid Nosair, the Egyptian-born Islamic militant, following his arrest in the shooting of Rabbi Meir Kahane in New York City. Among the many items found in Nosair's possession were sensitive military documents from Fort Bragg, North Carolina. The documents, some of which were classified "secret," contained the locations of U.S. military Special Operations Forces exercises and units in the Middle East, military training schedules, U.S. intelligence estimates of Soviet forces in Afghanistan, a topographical map of Fort Bragg, U.S. Central Command data, and intelligence estimates of Soviet force projection in Afghanistan. Appended throughout the documents were Arabic markings and notations believed to be those of Ali Mohammed. Some documents were marked "Top Secret for Training." Other documents were marked "Sensitive."

The military documents had been given to Nosair by Ali Mohammed, an Egyptian-born Islamic fundamentalist who had come to live in the United States in 1985. He had been in the United States earlier that decade, having graduated as a captain from a Special Forces Officers School at Fort Bragg in 1981

"Among the many items found in Nosair's possession were sensitive military documents from Fort Bragg, North Carolina."

in a program for visiting military officials from foreign countries. He joined the U.S. military in 1986 and received a security clearance for level "secret." He was assigned as a sergeant with the U.S. Army Special Operations at Fort Bragg, North Carolina. He also served unofficially as an assistant instructor at the JFK Special Operations Warfare School at Fort Bragg where he participated in teaching a class on the Middle East and Islamic fundamentalist perceptions of the United States.

Ali Mohammed became active in the war against the Soviets in Afghanistan and soon connected with Islamic militants in New Jersey who had been training and supporting the jihad. Mohammed was introduced to El Sayyid Nosair by Khalid Ibrahim, an Egyptian-born Islamic fundamentalist in New Jersey. Ibrahim had become active in the Office of Services of the Mujihadeen, known Al Kifah, the group that recruited volunteers and funds for the jihad in Afghanistan. Al Kifah, headquartered in Peshawar, Pakistan, maintained scores of offices world-wide, including three dozen in the United States, with Al Kifah's primary American offices located in Brooklyn, Jersey City and Tucson. According to the current indictment against Bin Laden and others for their roles in the bombing of the United States embassies in Kenya and Tanzania in August 1998, the Office of Services was

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transformed into the terrorist organization of Osama bin Laden, known as al Qaeda.

According to transcripts of the World Trade Center bombing trials, Ali Mohammed began giving training sessions in New Jersey in guerilla warfare in 1989 to Islamic militants that included, among others, El Sayyid Nosair, Mahmud Abuhalima (later convicted in the World Trade Center bombing conspiracy) and Khalid Ibrahim. Other training sessions took place in Connecticut where Islamic militants trained on weekends. An FBI report, based on Connecticut State Police intelligence, summarized the activities of the training sessions using semi-automatic weapons.

"[Ali] Mohammed became involved in smuggling illegal aliens into the United States, including suspected terrorists. ...a favorite route for Mohammed was...through Vancouver, Canada."

According to military records, Ali Mohammed left the military in November, 1989, and moved to Santa Clara, California. Law enforcement officials say he traveled to Afghanistan and Pakistan where he befriended Osama bin Laden and other top militants in the Islamic fundamentalist movements who had sought sanctuary in Peshawar. From his base in Santa Clara, Mohammed soon emerged as a top aide to Osama bin Laden. Federal officials say that Mohammed traveled regularly to and from Pakistan and Afghanistan, having helped oversee Bin Laden's terrorist bases in Khost and other terrorist camps in Afghanistan. In 1991, Mohammed was the person in charge of Bin Laden's move from Afghanistan to the Sudan. The move was considered perilous since Bin Laden had made so many enemies. Mohammed helped Bin Laden set up his new home and terrorist base in Khartoum, Sudan, where 2000 "Arab Afghans" – the name given to the Arab veterans of the Afghanistan jihad – were headquartered in Bin Laden terrorist camps. Mohammed continued to travel among the terrorist camps in Afghanistan, Bin Laden's base in the Sudan and the United States. Mohammed continued to train new Islamic recruits in the expanded holy war, or jihad, against the United States, Israel, the Philippines, Bosnia, Egypt and Algeria.

Law enforcement records show that Mohammed's extended stays outside the United States would range from weeks to half a year. But he would always return to the United States, which provided him a safe base from which to travel around the world on behalf of Bin Laden. In California, Mohammed became involved in smuggling illegal aliens into the United States, including suspected terrorists. Law enforcement sources say that a favorite route for Mohammed was to smuggle illegal aliens through Vancouver, Canada.

In a seemingly bizarre twist, while in California, Mohammed volunteered to provide information to the FBI on smuggling operations involving Mexicans and other aliens not connected to terrorist groups. Within time, officials say, the relationship allowed Mohammed to divert the FBI's attention away from looking at his real role in terrorism to examining the information he gave them about other smuggling. This gave Mohammed a de facto shield in effectively insulating himself from FBI scrutiny for his ties to Bin Laden. And the relationship helped protect Mohammed from being scrutinized by other federal agencies. Mohammed had succeeded in creating an ingenious scheme while he worked for Osama bin Laden. Mohammed had also tried to cultivate a relationship with the CIA, which did not succeed, although he had far better success in playing off the FBI against the CIA in his dealings with both agencies. Like a character in a John Le Carre thriller, Mohammed played the role of a triple agent and nearly got away with it.

In late 1994, Mohammed was called by the FBI who wanted to speak with him about the trial in the World Trade Center conspiracy case. As Mohammed stated in his plea of guilty before Judge Leonard B. Sand of the United States District Court for the Southern District of New York on October 20, 2000, "I flew back to the United States, spoke to the FBI, but didn't disclose everything I knew." In other words, Mohammed was continuing to manipulate the

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American authorities even when he was called to testify regarding the acts of terrorists about whom he possessed information.

Federal law enforcement officials say that Mohammed's role and association with the Islamic militants surfaced in connection with the World Trade Center bombing trials in 1994 and 1995. He was named on a list of some 118 potential unindicted co-conspirators in the World Trade Center bombing conspiracy released by federal prosecutors. Even so, Mohammed's connections with Bin Laden were so solid that, when he obtained a copy of this list, he sent it to Wadih El Hage, Bin Laden's personal assistant, in Kenya "expecting that it would be forwarded to Bin Laden in Khartoum."

"In 1996, according to intelligence reports, Mohammed helped move Bin Laden back from the Sudan...to Afghanistan."

In 1996, according to intelligence reports, Mohammed helped move Bin Laden back from the Sudan, which wanted to maintain an official arm's length relationship (yet keeping its close connections secret), to Afghanistan. Mohammed continued working for Bin Laden in 1997 and 1998, maintaining his role as one of Bin Laden's top lieutenants.

On October 20, 2000, Mohammed entered a guilty plea to all charges filed against him with regard to his role in the conspiracy to bomb the United States embassies in Kenya and Tanzania in 1998. In his admission, Mohammed admitted his involvement with both the al Qaeda organization and the Egyptian Islamic Jihad organization. He admitted that he had been involved in conducting military and explosives training for al Qaeda in Afghanistan; that he had conducted surveillance of various American, British, French, and Israeli targets in Nairobi; that he trained Bin Laden's personal bodyguards to prevent any assassination attempts; and that he arranged security for a meeting between Bin Laden and Hizbollah military leader Imad Mughniyeh. Ali Mohammed's role in terrorism and his ability to work within the United States outside the scope of investigation provides proof of the vulnerability of the United States to the work of terrorists within the United States.

Ihab Ali: Flight School

Another instance of an abuse of American citizenship is Ihab Mohammed Ali, currently incarcerated for lying to a grand jury about his role in the al Qaeda network and the embassy bombings in Kenya and Tanzania. Ali and his family moved to the United States in the 1970s, immigrating from Egypt. There he obtained a job as a cab driver for City Cab Company in Orlando, Florida, before heading off for Pakistan in 1989. While there, Ali worked for the Muslim World League, an organization reportedly backed by Osama bin Laden. After being taken into custody in May 1999 for his alleged connections to the embassy bombings in Africa, Ali refused to aid authorities and lied to the grand jury.

According to his indictment, Ali took flight lessons in Oklahoma in 1993, like some of the September 11 hijackers. Ali learned to fly at the Airman Flight School in Norman, Oklahoma. Two hijackers, Mohammed Atta and Marwan al-Shehhi, visited the Airman Flight School before deciding to learn to fly at a flight school in Florida. Ihab Ali's exact role in the al Qaeda network remains unclear, but his indictment intimates that Ali was believed to have knowledge of both Wadih El Hage and Ali Mohammed and their actions.

Ramadan Abdullah Shallah: The Case of the University of South Florida

On March 11, 1992, the University of South Florida (USF) and the World & Islam Studies Enterprise (WISE) entered into a formal agreement regarding cooperation between the two entities in the fields of research and graduate student enrichment. WISE was a seemingly benign organization which was a self-described think-tank on Middle Eastern and Islamic issues. The individual who signed the agreement on behalf of WISE was Ramadan Abdullah Shallah. In October 1995, following the assassination of then-leader Fathi Shikaki, Shallah became the

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Secretary-General of the Palestinian Islamic Jihad (PIJ), an international terrorist organization based in Damascus, Syria, that was engaged in a jihad against the State of Israel through a campaign of suicide bombings and other deadly attacks carried out against Israeli civilians and soldiers alike.

The role of WISE in nurturing the future leadership of PIJ was that of providing a legitimate front for PIJ activities within the United States through agreements such as the one between WISE and USF which lent WISE the legitimacy necessary to overcome scrutiny for its activities. WISE, founded in 1990, was a PIJ brain-child from its formulation. The founders of WISE all emanated from the Middle East with a definite agenda dictated by PIJ.

The Director of Administration at WISE was Ramadan Abdullah Shallah. As mentioned earlier, Shallah currently serves as Secretary-General of the PIJ in Damascus, Syria. The Director of Research at WISE was Bashir Musa Nafi. Nafi was deported from the United States in 1996 based on visa violations. On his INS Order to Show Cause, which constitutes the INS equivalent to an indictment against an alien within the United States, a pseudonym is listed for Nafi of Ahmed Sadiq. This alias is important to his connections to terrorism. To those in the Palestinian Islamic Jihad, he was better known by this name. Under this pseudonym, Nafi wrote scores of articles in journals referred to by Palestinian Islamic Jihad head Fathi Shikaki as publications of the movement. Included among these are *Al-Mukhtar Al-Islami*, which is published in Cairo, and *Al-Taliah Al-Islamiah*, which was published in London (Nafi being on the Editorial Boards of both publications during the time that he wrote for them).

A master's thesis presented by Abdul Aziz Zamel at USF on April 17, 1991, referred to Nafi as an ideological head of the Palestinian Islamic Jihad along with Fathi Shikaki. Based on interviews with an anonymous individual identified by Zamel as a "founder" of the Palestinian Islamic Jihad, Zamel wrote, on page 192 of his thesis, that Nafi had actually "published and edited a journal, al-Taliah al-Islamiah (The Islamic Vanguard) [sic] specifically for the [Palestinian Islamic Jihad], which was sent to the occupied territories for reproduction, in the same shape and form, and distribution." Thomas Mayer, a researcher who wrote an article in Emmanuel Sivan and Menachem Friedman's 1990 book entitled *Religious Radicalism and Politics in the Middle East*, stated that Fathi Shikaki regarded Bashir Nafi as "an ideological friend." Mayer also discussed the cooperation between Nafi and Fathi Shikaki in distributing Al-Taliah Al-Islamiah throughout the West Bank and Gaza Strip. These references suggest that Nafi was not merely a member of the movement but a spokesperson with close ties to Shikaki.

Another of the founding members of WISE was Khalil Shikaki, the brother of then-Secretary-General of PIJ, Fathi Shikaki. Documents seized by federal agents pursuant to a search warrant at the WISE office in November 1995 show that Shikaki, after his departure from WISE in 1992, contacted his brother by means of Ramadan Shallah who was working at WISE and teaching at USF at the time. Evidence released in the federal investigation against WISE and ICP included a letter and a fax between Abdullah and Khalil Shikaki showing that Abdullah served as a go-between for the brothers.

By utilizing the agreement between WISE and USF as a means of facilitating legitimacy for their activities, the individuals associated with WISE were able to coordinate PIJ activities within the United States free from government scrutiny. The government became actively involved only after one member of the inner circle of this organization, Ramadan Shallah, emerged as the Secretary-General of PIJ in Damascus, Syria.

Musa Abu Marzook and UASR

The United Association for Studies and Research (UASR), an Islamic think tank now based in Springfield, Virginia, was founded in 1989 in Chicago by a number of prominent Islamic radicals living in the U.S., primary among whom was Musa Abu Marzook.

Musa Abu Marzook, a.k.a. Abu Omar, was the head of the Hamas Political Bureau beginning in 1988 while he was resident in the United States. Hamas (Harakat Al-Muqawama Al-Islamia fi Filastin – The Islamic Resistance Movement in Palestine) is one of the most militant Islamic groups in the world and is included on the United States Department of State's list of foreign terrorist organizations that are outlawed pursuant to the Anti-Terrorism and Effective Death

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Penalty Act of 1996. Hamas has claimed responsibility for numerous suicide bombing attacks within Israel resulting in the deaths of scores of innocent Israelis.

On July 27, 1995, Marzook was arrested at New York's John F. Kennedy Airport because "he played an important role in supervising the activities of the military wing to Hamas [the wing responsible for the terrorist attacks] and in appointing individuals to important leadership roles in the military wing." In the United States, Abu Marzook was "responsible for the Muslim Brothers organization in the U.S. and resigned from this job in order to devote his time to activities dedicated to Palestine" following the foundation of the Hamas. Marzook, who was born in the Gaza Strip, was

"What was revealed as a result of interrogations and confessions of these individuals...was the importance of the United States as an operational base for Hamas."

a close associate of Sheikh Ahmad Yassin, the Islamic cleric who founded Hamas as an organization distinct from its parent group, the Muslim Brotherhood.

Marzook first came to the United States in the late 1970s, although immigration records show that he formally began residing in the United States starting in 1981. Marzook and his family lived in a number of locations during their fourteen years in the United States, including Colorado, Louisiana and Virginia. He and his family moved to Falls Church, Virginia, in 1991. Between 1993 and 1995, Marzook resided principally in Jordan, which deported him in June, 1995, for his involvement and senior position in Hamas. In July 1995, after making trips to Iran and Syria, Abu Marzook attempted to reenter the United States at which time he was arrested by customs and INS officials at the request of the Israeli government which sought to prosecute Abu Marzook for numerous crimes in connection with his leadership role in Hamas. In October, 1995, acting at the request of the Israeli government, the United States initiated extradition proceedings against Abu Marzook based on pending Israeli criminal charges that included murder, attempted murder, and conspiracy stemming from Hamas-sponsored terrorist acts.

At the time of his arrest, Abu Marzook was a permanent resident alien of the United States. In 1990, he and his family received their green cards in an INS lottery that offered "permanent legal residency" to potential immigrants. In affidavits filed by Deputy United States Attorney Shirah Neiman, the role of Abu Marzook in Hamas activities was discussed as follows:

> *In his role as head of political bureau, Abu Marzook financed certain activities of Hamas, including terrorist activities against soldiers and civilians in the Territories and Israel. In addition, he played an important role in supervising the activities of the military wing to Hamas (the wing responsible for the terrorist attacks) and in appointing individuals to important leadership roles in the military wing. Throughout most of the relevant period, he resided in the United States.*

The arrest of Muhammad Salah, Mohamad Jarad and Nasser Hidmi by the Israeli authorities marked an important turning point into the investigation of Hamas. What was revealed as a result of interrogations and confessions of these individuals (Salah and Jarad were both residents of Chicago, Illinois, and Hidmi was a student at Kansas State University in Manhattan, Kansas) was the importance of the United States as an operational base for Hamas. Under the leadership of Musa Abu Marzook, the Hamas headquarters in the United States was able to operate virtually unimpeded by the intense scrutiny of authorities.

On January 25, 1993, Salah and Jarad, two high-ranking Hamas operatives with United States citizenship, were arrested by the Israeli General Security Services (GSS) with the aid of the Israeli Defense Forces (IDF). The Israeli authorities obtained the most significant information against Musa Abu Marzook from Salah, a.k.a "Abu Ahmad." In these statements, Salah exposed the pivotal role of Musa Abu Marzook in the Hamas organization. Musa Abu Marzook directed the Hamas organization's activities,

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the allocation of its resources and the transfer of funds: "Abu Marzook specifically directed funds toward Hamas' 'military' (i.e. terror) activities, encouraged acts of terror, and played an important role in overseeing certain 'military' aspects of Hamas' operations and in making 'military.'"

On October 10, 1994, Abu Marzook appeared in a television interview broadcast from the "Al Manar" television station in Lebanon. This was only one day after the October 9, 1994 shootings in which two Hamas terrorists killed two and wounded eighteen persons in a suicide attack in a pedestrian mall in downtown Jerusalem. In the interview, Marzook stated the following:

> *Death is the goal to every Muslim and every fighter wants to die on Palestinian land. This is not the first time that the Izz Al-Din Al-Qassem heroes carry out suicide and terrorism actions... The peace process, as described by Arafat more than once, is a failure. By these actions, we do not strive to foil the talks and the negotiations. We are doing them for a much higher aim and they are steps on the way for a full restitution of the rights of the Palestinian people.*

Use of Money Laundering: The 'Charlotte Hizbollah Cell'

On July 21, 2000, agents from the Federal Bureau of Investigation (FBI) in Charlotte, North Carolina, arrested eleven individuals on charges of smuggling contraband cigarettes to Michigan from North Carolina and money-laundering. In a subsequent indictment filed in the United States District Court for the Eastern District of North Carolina on March 28, 2001, four individuals were charged with providing material support or resources to the Hizbollah terrorist organization. The individuals were charged with providing "currency, financial services, training, false documentation and identification, communications equipment, explosives, and other physical assets to Hizbollah, in order to facilitate its violent attacks."

Another similar case was filed in Michigan against Fawzi Mustapha Assi on August 4, 1998. The charges against Assi, stated in both the indictment and the criminal complaint, included allegations that he did "[k]nowingly provide and attempt to provide material support or resources, to wit, night vision goggles, global positioning satellite modules and a thermal imaging camera to a designated foreign terrorist organization." The foreign terrorist organization to which Assi was charged with providing these materials was the Hizbollah terrorist organization. Unfortunately, prior to the filing of the indictment, Assi disappeared and allegedly reappeared in Lebanon.

These two examples show how foreign terrorist organizations may develop relationships with individuals who are already residing within the United States in order to provide them support. In these cases, however, the support was not merely financial but also tactical. Both in Charlotte and in Detroit, the items involved were highly sophisticated items to be used directly in terrorist operations.

In each of the above examples, different approaches by the United States government and its many agencies would have served the purpose of shutting down the potential for providing funds, recruitment, or a base of operations for terrorists on American soil.

Conclusion

On September 11, Osama bin Laden proved that terrorists were able to hide under our radar screen for years without being detected by the relevant agencies or even by what is known as the fourth branch of government, the media. The horror of September 11 was achieved through a variety of means, not all tethered to the specific operational details of the actual plot. Our nation's defenses and our awareness of the threats surrounding us were numbed through false conduits, fake companies, religious charities, exploitation of our free speech and religious freedoms and abetted by problems in the visa system and loopholes in the terrorist watch list.

The bottom line is that if these attacks are not to be repeated, we need to institute new safeguards: methods for detecting false cover companies, academic institutes, and religious charities; and a means to monitor those who are here illegally and who are connected to known terrorist groups. We also need to demand that our government do a much better job of scrutinizing those who violate American law by exploiting the very freedoms that make our country great. ■

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Borders and Terrorism

Testimony before a Senate Subcommittee on Terrorism

by Steven Camarota

The nation's responses to the horrific attacks of September 11 will clearly have to be in many different areas including military retaliation, freezing terrorist assets, diplomatic initiatives, improvements in intelligence gathering, and expanded security measures at airports, utilities and other public places. But one aspect of increased preparedness must not be overlooked – changes in immigration and border control. Though all the details have been released, it seems clear that the nineteen terrorists of September 11 were foreign citizens and that most entered the United States legally as tourists, business travelers, or students. This was also true of the perpetrators of previous terrorist acts, including Ramzi Yousef, mastermind of the first World Trade Center bombing in 1993; Mir Amal Kasi, murderer of two CIA employees the same year; and Sheik Omar Abdel-Rahman, convicted in 1995 of plotting a terror campaign in New York.

While it is absolutely essential that we not scapegoat immigrants, especially Muslim immigrants, we also must not overlook the most obvious fact: the current terrorist threat to the United States comes almost exclusively from individuals who arrive from abroad. Thus, our immigration policy, including temporary and permanent visa issuance, border control, and efforts to deal with illegal immigration are all critical to reducing the chance of an attack in the future.

Much has been written about how we are involved in a new kind of war. In this new kind of conflict, America's borders are major theaters of operations. This is because the primary weapons of our enemies are not aircraft carriers or even commercial airliners but rather the terrorists themselves; thus keeping the terrorists out or apprehending them after they get in is going to be an indispensable element of victory. The simple fact is that if the terrorists can't enter the country, they won't be able to commit an attack on American soil.

The president implicitly acknowledged this fact in announcing the creation of a new Office of Homeland Security, which "will lead, oversee and coordinate a comprehensive national strategy to safeguard our country against terrorism." In a very real sense, we already have a homeland security agency; it's called the Immigration and Naturalization Service (INS). The precursor of the INS was established in the Treasury Department in 1891 and moved to the new Department of Commerce and Labor in 1903. But in 1940, as war neared, it was moved to the Department of Justice. As Cornell professor Vernon Briggs has written, the move was made because "it was feared that immigration would become a way of entry for enemy spies and saboteurs," and President Roosevelt himself said the change was made solely for reasons of "national safety." A history of the INS describes its war-related duties: "Recording and fingerprinting every alien in the United States through the Alien Registration Program; ...constant guard of national borders by the Border Patrol; record checks related to security clearances for immigrant defense workers..."

A Fundamental Change in Attitude About Nation's Borders

Most Americans understand that our border is a critical tool for protecting America's national interests. (By border I mean any place where foreign citizens enter the United States.) A Zogby International poll taken in the wake of the attacks

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found that the overwhelming majority of Americans, across all races, regions, incomes, and political beliefs blamed lax border control and screening of immigrants for contributing to the attacks and believed that improved immigration enforcement would reduce the likelihood of future atrocities. There can be little doubt that greatly stepped-up efforts to control the border would be met with overwhelming support by the American people. Unfortunately a small but politically very influential portion of America's leadership has come to see our borders as simply obstacles to be overcome by travelers and businesses. This attitude clearly has to change.

"...our mechanisms for controlling and monitoring the movement of foreign citizens across our borders must be improved...overseas, at the border itself, and inside the country."

If we take the physical safety of our people seriously, our mechanisms for controlling and monitoring the movement of foreign citizens across our borders must be improved in three places: overseas, at the border itself, and inside the country.

Visa Processing Overseas

Entry to the United States is not a right but a privilege, granted exclusively at our discretion. For the most part, that discretion is exercised by members of the State Department's Bureau of Consular Affairs, often referred to as the Consular Corps. Among their other duties, these men and women make the all-important decisions about who gets a visa to enter the United States, making them the forward guard of homeland defense – America's other Border Patrol.

RECENT IMPROVEMENTS

Unfortunately, the Consular Corps has neither the manpower nor the tools to fulfill this heavy responsibility properly. Most importantly, management of the Consular Corps offers distorted incentives to officers in the field. Mary Ryan, who became Assistant Secretary of State for Consular Affairs in 1993 and is in charge of visa issuance and the other consular responsibilities, has overseen genuine technical improvements in the issuing of visas. These changes have included making visas machine-readable and more difficult to forge than in the past. Also, the "watch list" of people who should not be granted visas is now computerized, replacing the old microfiche-based system in place until just a few years ago.

THE AMERICAN PEOPLE AND NOT VISA APPLICANTS ARE THE CUSTOMERS

But along with improvements, the Consular Corps has also adopted a culture of service rather than skepticism, in which visa officers are expected to consider their customers to be the visa applicants. Thus, satisfying the customer – the foreign visa applicant – has become one of the most important goals, leading to pressure to speed processing and approve marginal applications. As one former Foreign Service officer has written, "State Department procedures call for supervisory review of refusals, but not issuances – thus, relatively inexperienced junior officers are trusted to issue visas but are second-guessed on refusals." Visa officers are judged by the number of interviews conducted each day and politeness to applicants rather than the thoroughness of screening applicants. This is especially ironic given that the law requires precisely the opposite approach, placing the burden of proof on the applicant for a temporary non-immigrant visa.

A CONFLICT OF INTEREST BETWEEN VISA PROCESSING AND DIPLOMACY

Responsibility for issuing visas fell to the State Department because it was the only agency with offices overseas, where the demand was. But it is difficult to imagine two less complementary functions than diplomacy and immigration enforcement. The diplomat's goal of promoting cooperation and compromise is sometimes in conflict with the gatekeeper's goal of exposing fraud and ensuring compliance with the law. This systemic mismatch is likely to persist regardless of management changes and may be remedied only by transferring all visa-

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issuing responsibilities overseas to the INS or perhaps a new "Visa Corps."

A NEW SEPARATE 'VISA CORPS?'

A new free-standing visa-issuing agency would have offices in consulates around the world and would issue visas and be answerable not to the local ambassador, but to the head of this new agency or perhaps even the head of homeland security. If INS were to take control of visa-processing overseas, then the Visa Corps could be answerable to INS headquarters in Washington. Moreover, if visa-processing were the career choice of all visa officers, those who would work in this area would be able to hone their skills at spotting fraud or security risks. Visa officers need to be highly-trained professionals, specializing in their function, respected by their agency, and insulated, to the extent possible, from political pressure. Such a system would be an invaluable asset in making our nation safer from terrorism.

"The visa process should start with each applicant's fingerprints being digitally scanned into an integrated system which can be accessed by everyone involved in the immigration process."

MORE RESOURCES ARE NEEDED

Administrative changes, of course, won't matter much if there aren't enough people to handle the work. The Bureau of Consular Affairs has only 900 Foreign Service officers overseas, assisted by 2,500 foreign nationals, and the demand for visas to visit the United States is enormous. Last year, the State Department issued 7.1 million non-immigrant visas, up fifteen percent from 1995, and more than triple the number issued thirty years ago, when the majority of visas were issued to citizens of countries (mainly Western Europe and Japan) who now no longer need visas when arriving on short visits.

Because of this ballooning workload, all junior Foreign Service officers are required to adjudicate visa applications for a year or more, turning this profound responsibility into a dreaded rite of passage for new Foreign Service officers. Consular officers often have no more than a few minutes to assess each application. What's more, visa responsibilities are held in such low regard institutionally that consular ranks are often filled by unemployed spouses of local Foreign Service officers.

WATCH LISTS AND BIOMETRIC IDENTIFICATION

But even with adjusted incentives and adequate personnel, successfully handling such an enormous workload and keeping out those who would do us harm require the right tools. The primary tool in flagging terrorists is the "watch list" (also called the "look out" system), a compilation of several million people who are not to be issued visas. Obviously, effective intelligence is required for the watch list to be valuable, but being based as it currently is solely on names, rather than also using a biometric identifier like a fingerprint, means that many possible terrorists might slip through. While fingerprints will never be available on most of those on the list, many persons on the watch list have been arrested or detained by authorities in other countries or on previous stays in the United States. To the extent possible, we need to obtain these fingerprints and make them part of the watch list database.

To be most effective, the visa process should start with each applicant's fingerprints being digitally scanned into an integrated system which can be accessed by everyone involved in the immigration process – overseas, at the border, and within the country. These fingerprints should be checked against the watch list. Ideally, visitors' fingerprints should be scanned again when they enter the country and again when they leave. This wouldn't be inexpensive to establish, but the technology is already widely used; in fact, the Border Patrol has been scanning fingerprints of illegal aliens apprehended on the Mexican border for several years now. Gathering applicant fingerprints and scanning them again when a person enters and leaves the country would serve many purposes: First, it would be a way of definitively determining that certain individuals have entered the country and also

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that they have left when they were supposed to. Second, it would be a way of excluding those from the watch list for whom we have fingerprints. Third, it would establish identification, ensuring that the person issued the visa is the same person entering the country. Fourth, it would prevent individuals from going from consulate to consulate using different identities if they have been denied a visa at one location. Fifth, providing the U.S. government with fingerprints would by itself be a significant deterrent to would-be terrorists who certainly would be reluctant to give the government this information.

"...getting a visa to come to America is a privilege, not a right, and it is only common sense to exclude those who advocate violence toward our country."

To the extent possible, we also need to put photos of suspected terrorists on the watch list as well. If we took a digital photo of every visa applicant and ran it through facial recognition software (which is already pretty well developed), along with fingerprints for each applicant, we might also be able to identify suspected terrorists even if they apply for a visa using a false identity. While something like a facial recognition system would take time to implement, there are other simpler things we can do right away to make the list much more effective. The State Department's watch list could include access to the FBI criminal database; at present it does not. With the right management, staffing, and technology, the process of screening those we want to keep out would be much more effective. A number of procedural and legal changes would also help.

Exclude all enemies of America

Visa officers should be instructed to deny visas to people who are clearly enemies of America but who have not actually committed a terrorist act.

Currently, the law makes it extremely difficult to turn down an applicant because of his "beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States." As the law now reads, keeping out a terrorist sympathizer, who publicly organizes demonstrations calling for the destruction of America or actively distributes Osama bin Laden videos, but who, as far as we know, hasn't yet raised money for terrorist groups or planned out an assault, requires the Secretary of State to personally make the decision and then report each individual instance to congress. As a result, few if any individuals are excluded based on their anti-American beliefs.

We will not, of course, know the political beliefs of most applicants. However, just as we learn about the possible terrorist links of some individuals from friendly governments as well as our own intelligence, we will also learn of those who express strong anti-American views. These individuals can then be added to the watch list. Some may object to the idea of excluding people based only on their political beliefs, but it is important to remember that getting a visa to come to America is a privilege, not a right, and it is only common sense to exclude those who advocate violence toward our country. This is especially true during a time of war when the only way for the terrorists to attack us on our own soil is if we allow them into the country. Moreover, being denied a visa does not prevent such a person from continuing to express his views. He is free to do so in his own country. One can only imagine the American public's reaction if it is revealed in the aftermath of another attack that the anti-American views of the terrorist were known and he was still issued a visa to come to America. It is simply irresponsible not to exclude all such individuals.

More thorough screening for applicants from some countries

Additionally, citizens of those countries whose governments do not sponsor terrorism but whose citizens have come here as terrorists (Egypt or Saudi Arabia, for example) should have to pass a much higher bar for visa issuance, including a thorough security clearance (working with local authorities) and confirmation with universities of each student visa application. This should also apply to visa applicants born in these countries but now holding other

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citizenship. In addition, no visas should be issued to citizens of Middle Eastern countries at U.S. consulates outside their home countries; this is because an American visa officer in Germany is less likely to be able to identify a problem applicant from Saudi Arabia than his counterpart based in Saudi Arabia.

There is nothing unprecedented about such country-specific temporary visa policies; for instance, a person from Poland currently needs a visa to vacation in the United States, whereas a person from Japan does not, because Poles are more likely to overstay their visas than Japanese. It is true that these provisions apply only to temporary visas, but a much higher bar for both temporary and permanent visas for nationals from some countries is simply a logical extension of this kind of policy.

EXCLUDING PERSONS BASED ON RELIGION OR NATIONALITY IS NOT JUSTIFIED

The fact that the terrorist attacks of September 11 were perpetrated by foreign-born Muslims may tempt some to support the elimination of visas for all Muslims or Middle Easterners in an effort to reduce or eliminate the foreign terrorist threat in the future. While more vigorous background checks for persons born in some countries makes sense and may result in a higher percentage being denied visas, efforts to exclude entire countries or religions should be resisted. Changes of this kind would harken back to immigration law prior to 1965 when the number of permanent residency visas was severely restricted for southern and eastern European countries, while immigration from Western Europe was much less restricted. Using religion or nationality as a basis for issuing visas is not only inconsistent with American values but may also anger Middle Eastern countries whose cooperation we very much need in the war on terrorism.

There may well be compelling national security or other reasons to reduce both temporary and permanent immigration, but changes should apply equally to all countries not just those in some parts of the world. Later in my testimony I explore some of the reasons we may wish to reduce the overall level of immigration.

Selective enforcement of immigration law also must not be undertaken. For example, we should definitely not pursue visa overstayers who are from the Middle East more vigorously than those from other counties. Instead, we need to develop enforcement strategies that apply forcefully to all overstayers. By definition, all those who have overstayed their visas or entered the country without permission have broken the law and should be made to leave the country. Singling out one group for enforcement is not only unfair and un-American but it is probably unconstitutional as well.

Controlling the Border

The next layer of protection is the border itself, which has two elements – "ports of entry," which are the points where people traveling by land, sea, or air enter the United States, and the stretches between those entry points. The first are staffed by immigration and customs inspectors, the second monitored by the Border Patrol and the Coast Guard.

The need for improvements at the ports of entry is dire. Last year there were more than 500 million entries at these legal entry points, mostly at land border crossings and many of them commuters. Close to half of these entries are returning U.S. citizens, and others are border commuters, but the number of foreign visitors is still enormous. In 1999, there were more than 31 million "non-immigrant" admissions (not counting Canadians and Mexicans on short visits), almost *triple* the number of twenty years ago. These were mostly tourists (24 million) and business travelers (4.5 million) but also included nearly a million students and exchange visitors and about the same number of "temporary" workers and corporate transferees. In fact, the INS states of the above numbers, "Inspections data for land passenger traffic are estimates that may contain unspecified margins of error." Put simply, the INS does not know how many people are entering the country.

A GREATER INVESTMENT IN MANPOWER AND INFRASTRUCTURE AT THE BORDER

The land crossing points are often not fully staffed, and not every car or truck is examined. Part of the solution here is straightforward – many more inspectors and more inspection lanes at crossing points. Immigrant smuggling through ports of entry, using fake papers or hiding in secret compartments, was almost completely shut down when security along the borders was tightened in the wake of the

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September 11 attacks. The problem, of course, was that inadequate staffing and infrastructure caused long waits; but thorough checking plus additional inspectors can lead to better security without excessive delay.

This attitude toward border security should have changed in December 1999, when one Ahmed Ressam was stopped by a border inspector at a crossing in Washington state. It turns out that he had trained at bin Laden's terrorist camps in Afghanistan and had a car full of explosives with which he was going to disrupt millennium celebrations in Seattle and blow up Los Angeles International Airport. He had entered Canada with a forged passport, had requested political asylum, and was released into the population, pending a court date. This is standard practice in Canada and underlines the importance of better border control.

Entry Exit System

There is also a long-standing and very real problem that the INS also does not know whether foreign visitors admitted on visas actually leave the country when their visas expire. There is no mechanism for tracking land departures, and the system for tracking arrivals and departures by air, which is how most visa holders travel, is completely broken. The current system requires a foreign visitor to fill out a two-part form with his name, passport number, destination. The visitor then hands one part to the U.S. immigration inspector upon arrival. The other half is collected by the flight attendants on the outbound flight and later transferred to the INS. The opportunities for failure are enormous: airlines often don't collect the forms or forward them to the INS; visitors may enter by air but leave by land, leaving no trace of their departure; the information on the paper forms may be improperly keyed in. This system is so dysfunctional that the INS's own statistics division considers any departure data after 1992 to be worthless.

Time-Limited Visas Are Pointless Without an Entry-Exit System

Temporary visas are meaningful only if we know whether the deadline has been honored. Because we do not collect accurate exit information, we have no way of knowing if someone has left the country. The result of this situation is a list of millions of people who appear not to have left, most of whom really have. Because of this, it is impossible to pick out the actual "visa over-stayers." As a result, if the FBI asks the INS if a particular individual is in the country, in many cases the INS must respond they simply do not know. In total, there are an estimated three to four million people living in the United States who entered the country legally, but never left, accounting for perhaps forty percent of the total illegal-alien population.

The bipartisan U.S. Commission on Immigration Reform, headed by the late Barbara Jordan, in 1994 called for computerized tracking of all arrivals and departures by land, sea, and air (including Canadians who don't need visas). Congress, in the 1996 immigration law, directed the INS to develop such a system, but partly at the behest of the business community in border states, this provision was postponed and in 2000 effectively shelved. The concern was that the system would create interminable traffic jams as people lined up to enter and leave the United States, but a technologically modern system with an adequate number of scanners should not significantly impede traffic at all. This, of course, would mean greatly increased investment in equipment, personnel, and infrastructure at the borders as well. For example, where there are now ten lanes of traffic and inspection stations, there may need to be twenty; and where there are now twenty lanes, there may need to be forty. The only alternative is to expose the country to unacceptable risk.

Border Patrol Is Grossly Inadequate

The situation isn't much better between the ports of entry. Better screening of visa applicants and a tightly monitored entry-exit system would be almost meaningless if it continues to be easy to cross the border illegally. A serious attempt has been made in recent years to increase the size of theBorder Patrol, although the total number of agents there is still only about 9,000 overall; and on any given shift, there are only about 1,700 agents on duty at the southern border or an average of less than one agent per mile. Moreover, there are only a few hundred agents patrolling the entire Canadian border, and this is where terrorists are more likely to enter for a variety of reasons, including the fact that immigrant communities in many Canadian cities provide

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excellent cover, whereas someone from the Middle East could not blend in so easily on the Mexican border.

A February 2000 report by the Justice Department's Inspector General sheds light on how inadequately the northern border is patrolled. It found that at one 300-mile sector of the border, agents identified sixty-five smuggling corridors but had only thirty-six sensors to monitor them. Such sensors, designed to detect motion or heat or metallic objects, can be a valuable force-multiplier, but they will not be useful unless there are enough of them to cover the border and enough agents to respond when they are triggered. What's more, the IG report found that in some short-handed sectors there are times when there are no agents on duty at all, a fact which quickly becomes apparent to various kinds of smugglers and terrorists trying to cross the border.

The answer, of course, is increased personnel and a serious commitment to border security. The Border Patrol has actually increased significantly since the mid-1990s, and has been doing a much better job of patrolling the southern border, dramatically reducing illegal crossings near major cities and forcing smugglers to resort to more remote areas, where they are more easily detected. These successes need to be expanded upon while improving coverage of the northern border as well. The Border Patrol could be increased from its current total of less than 10,000 up to 30,000 or 40,000 people without even nearing the point of diminishing returns. This cannot be accomplished overnight, however, because it takes time to build a trained and experienced force. Nonetheless, failure to properly police the border between crossing points would be a huge invitation to terrorists rendering all our other efforts at immigration enforcement irrelevant.

Increased Border Patrol is not militarization

Some may object to such measures, and even to the increased border enforcement that has already taken place, as "militarization" of the border. Such objections highlight the important difference between the respective roles of soldiers and law enforcement; soldiers are supposed to find and kill the enemy, while law enforcement agencies, like the Border Patrol (and the Coast Guard), deter or apprehend wrongdoers. Assigning troops to patrol our borders would indeed be a militarization of border enforcement, and should be a very last resort (although using military support capabilities, such as radar and road-building, to assist the Border Patrol is appropriate, even necessary). But the way to avoid militarization is to build up the capacity of the Border Patrol such that there would be no reason to call for troops on the border.

Interior Enforcement

The final layer of effective immigration control lies inside the country. As already discussed, the federal government has no idea whether foreign visitors have left when their visas expire. In addition, it has no idea where foreign citizens live while their visas are still valid.

Tracking tourists and business travelers would be difficult – even in the current environment, it is unrealistic to require all foreign visitors to submit their passports every time they check into a hotel and to expect hotels to report that information. Currently, foreign travelers are required to write down their destination upon entering the United States, but no effort is made to verify the information; in fact, two of the September 11 jihadists listed "Marriott Hotel, New York" as their destination. Resources could be more fruitfully spent elsewhere. Of course, this is why more stringent controls on issuing visas and real-time tracking of visa overstays are so important. But even with better screening and tracking of overstays, if we continue to almost entirely neglect enforcement of immigration law and allow millions of illegals to live in the country, we will also continue to expose our country to very significant terrorists threats. Fortunately there are several steps that can be taken to enforce the law within the United States.

A tracking system for temporary visa holders

Tracking of foreign citizens residing here for extended periods of time, affiliated with some American institution responsible for their whereabouts, is both possible and desirable. It's desirable because these long-term visitors (here from one to six years, or more) reside here for long periods of time in a legal status, whereas short-term visitors are less likely to have the time to hatch sophisticated plots before their visas expire. In our open society, there has been only the most perfunctory oversight of such long-term foreign students and workers – so

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perfunctory, in fact, that at least one of the September 11 terrorists entered the country on a student visa but never showed up for class, without triggering any concern anywhere.

And although short-term tourists and business travelers, who are not attached to any American institution, make up the majority of non-immigrants, the number of long-term visa holders requiring oversight is still quite large. In 1999, there were more than 923,000 foreign students and exchange visitors admitted (including their spouses and young children), up 45 percent just from 1995. The number of long-term foreign workers, plus family members, was about 1 million in 1999, up 123 percent from 1995.

The 1996 immigration law mandated the INS to develop a computerized tracking system for foreign students, to replace the current manual, paper-based system. Unfortunately, the system has not gone beyond the pilot stage, and is tested only in a couple of dozen southeastern schools, largely because of opposition from universities and colleges. Institutions have opposed it, fearing the extra administrative burden associated with such a system. Many also do not like the idea of treating foreign students differently from their American counterparts. But given the very real threats we face, tracking all visitors makes perfect sense.

The problem with the whole foreign students program is not simply one of visa fraud or overstays; the nature of their studies is also a matter of concern. In 1997, the Washington Institute for Near East Policy published a report highlighting the weaknesses in our efforts to prevent students from terrorism-sponsoring states from studying subjects that would benefit those countries' weapons programs. Not only are very few students denied visas based on their desired fields of study, but the lack of monitoring allows them to declare their intention to study some innocuous social science, for instance, but then change majors to nuclear engineering or the like, without anyone in the government being alerted to this fact.

TRACKING SYSTEM FOR FOREIGN STUDENTS MUST BE EXPANDED TO NON-STUDENTS

The experimental INS system to track foreign students will almost certainly be accelerated in the wake of September 11. But this will not address the fact that there are an additional million temporary workers and trainees and intra-company transferees who are not included in the system and are not effectively tracked by any other means. Expanding the new tracking system to cover both foreign students and foreign workers is needed to ensure the system is as comprehensive as possible.

In a nutshell, to effectively control our border, the government needs an integrated system that uses a biometric identifier like a fingerprint to create a single file for each foreign citizen planning to visit the United States and to track that person during the entire process – at each step in the visa process, each land-border crossing, each entry and exit at airports, each change in status at school or work, each arrest, each application for government benefits. This file should be accessible to law enforcement and linked to the databases of the FBI, IRS, Social Security, Selective Service, and other federal agencies. There is no other way to keep admitting large numbers of foreign citizens and maintain security as well.

"...lack of monitoring allows [foreign students] to declare their intention to study some innocuous social science...then change majors to nuclear engineering or the like..."

It is important to emphasize that at a time when there is much discussion of curbs on the civil liberties of Americans, better tracking of foreign citizens not only addresses the core of the security problem but should also be especially appealing because it does not affect the civil liberties of any Americans, only those of guests from overseas whose presence here is a privilege.

ENDING SECTION 245(I)

Another change regarding immigrants that would enhance homeland security would be the permanent elimination of a provision in the immigration law known as section "245(i)." This allows illegal aliens on the waiting list for a green card (because, for

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instance, they have married an American) to undergo visa processing and receive their permanent residence visa without having to leave the country and go to the U.S. consulate in their home country.

This provision is problematic not only because it rewards immigration line-jumpers but because it compromises homeland security. The INS official who processes the visa in the United States is much less likely to detect a possible terrorist or criminal among applicants than is a consular officer in the alien's home country, who is familiar with the local language and has contacts with local law enforcement. Not only does 245(i) undermine efforts to screen out terrorists but it also negates our ability to keep out those judged to be dangerous, because they're already here, whereas an alien who went home only to be found ineligible would, in effect, have deported himself.

"...fewer visas mean fewer foreign nationals living in the U.S., making it much easier to keep track of those allowed into the country."

ENFORCING THE BAN ON HIRING ILLEGAL ALIENS

The centerpiece of any interior enforcement strategy has to be enforcing the prohibition on hiring illegal aliens. While worksite enforcement, as it is commonly called, may not seem to be vital to national security at first glance, it is in fact critically important to reducing the terrorist threat. In 1986, Congress prohibited the employment of illegal aliens, although enforcement was at first spotty and has been virtually non-existent for the past couple of years. Although it is obviously directed at turning off the magnet of jobs attracting conventional illegal aliens, such worksite enforcement is also important for anti-terrorism efforts. Gaining control of the border between crossing points is probably possible only if we dramatically reduce the number of illegal job seekers who routinely cross into the United States. If prospective illegal aliens knew there was no job waiting for them in the United States, many fewer would try to cross illegally.

In addition, it would be much harder for terrorists who overstay their visas to blend into normal life if finding a job is made much more difficult. Of course, they could still come with wads of cash, and some might still live undetected; but doing so would be much harder to pull off if getting a job were much more difficult.

Even if one favors a guestworker program for workers from Mexico or elsewhere as the solution to illegal immigration, it would still be absolutely necessary to put in place a strong worksite enforcement regime before implementing a guest worker program. Otherwise, there would be no incentive for those illegals already in the country or those thinking about entering illegally to sign up for such a program.

How would such a system work? There are two steps that are needed to make worksite enforcement effective. First, a national computerized system that allows employers to verify instantly that a person is legally entitled to work in the United States needs to be implemented. Employers would submit the name, date of birth, social security number (SSN) or alien registration number to the INS of each new hire. Much of this information is already collected on paper but is not used by the INS. After an instant check of its database, the employers would then receive back from the INS an authorization number indicating that the person is allowed to work in the United States. The authorization number from the INS would provide employers with an iron-clad defense against the charge that they knowingly hired an illegal alien. Tests of such systems have generally been well received by employers.

Document fraud, of course, is widespread, but a computerized system would be a key tool in uncovering it. For example, a valid SSN that is attached to different names submitted to the INS or a SSN and name that show up in many different employers' lists across the country would both be indications that a worker is trying to skirt the law. The INS could develop procedures to identify potential problems of this kind. When a potential problem is found, the INS would then go out to the employer and examine all the paperwork for the employee, perhaps conduct an interview with the worker, and determine the source of the problem. This would require the

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second important change that is needed: a dramatic increase in the number of worksite inspectors. At present, there are only the full-time equivalent of three hundred INS inspectors devoted to worksite enforcement, whose job it is to enforce the ban on hiring the five or six million illegal immigrants now working in the country. These numbers would have to be increased to perhaps 3,000.

These inspectors would perform two main tasks: they would go out to employers identified by the verification system as having a potential problem, and secondly they would randomly visit worksites to see that employers were filing the paperwork for each worker as required by law. Those employers found to be knowingly hiring illegals would be made to pay stiff fines. Because the data needed for such a system is already collected and the law already forbids the hiring of illegals, all that is need is a verification system and significantly more resources for worksite inspectors. Failure to developed such a system means that millions of illegal immigrants will continue to work and live in the United State facing little or no penalty. Not only does this make a mockery of the rule of law, but it also exposes the country to significant security risks.

EMPLOYMENT VERIFICATION AND ALIEN REGISTRATIONS

Most of the recommendations outlined above have dealt with temporary visa holders or efforts to reduce illegal immigration. More effective monitoring is also needed of permanent residents, i.e., legal immigrants, with "green cards," who will after a time become eligible for citizenship. Several past terrorist attackers have been legal immigrants, and that may well increase as a result of military reprisals against terrorists overseas.

In 1940, as a homeland security measure, Congress required all non-citizens living in the United States to register annually their whereabouts with the INS. This provision was repealed in the 1980s and should probably not be revived in that form. Potential terrorists cannot be expected to dutifully send in their addresses. However, the employment verification system outlined above could be a very effective tool in locating non-citizen legal immigrants. This is especially important when a person is placed on the watch list after he has entered the country. At present, there is often no way for the INS to know where that individual lives. However, the employment verification process would provide the INS with the name of the employer for non-citizen legal immigrants who work. Thus, if it became necessary to arrest or at least undertake surveillance of a non-citizen, the last known employer would be a place to start. The verification system would in effect be alien registration for most resident aliens.

INTEGRATED DATABASES

One reform that would probably be relatively easy to undertake would be for the INS to integrate all of its various databases. At present, separate databases are maintained for non-immigrants, immigrants, citizenship applications, and deportations. The INS needs to establish a single integrated file on each foreign citizen that uses a biometric identifier like a digital fingerprint. This file would contain information from each step in the visa process: including each land-border crossing, each entry and exit at airports, each change in status at school or work, each arrest, as well any application for permanent residence. This file should be accessible to law enforcement and would remain open until the person becomes a citizen.

Reduce the Number of Permanent and Temporary Visas?

The responses outlined above, whether overseas, at the border, or inside the United States, would not catch all malefactors. But the improvements outlined above would almost certainly be very helpful in alerting us to large conspiracies like the September 11 attacks. If only a few of the dozens of conspirators had been identified by consular officers or border inspectors, it is very likely that the entire conspiracy would have unraveled.

LESS IMMIGRATION MEANS BETTER ENFORCEMENT

But what of the actual number of people we admit via these mechanisms? There are two fundamental reasons to consider reducing the number of student, exchange and worker temporary visas, as well as permanent residence visas: the fewer visas we issue the more thorough the background checks that can be conducted. Moreover, fewer visas also mean fewer foreign nationals living in the United States, making it much easier to keep track of those allowed into the country.

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It seems very unlikely that the INS and State Department can undertake the necessary reforms and expansions if they also have to continue processing hundreds of thousands of new immigrant, foreign student, exchange and worker visas each year. The Government Accounting Office reported in May that the receipt of new applications (green cards, citizenship, temporary workers, etc.) has increased 50 percent over the past six years, while the backlog of unresolved applications has quadrupled to nearly 4 million. Few if any government agencies could be expected to handle such a crush of new work while assuming added responsibilities, even if provided with increased resources. The INS in particular has had a great deal of difficulty in modernizing and using additional resources. Its computer systems, for example, are among the most outdated in any part of the federal government. This stems from a decision in the 1970s not to automate the files so as to preserve low-level clerical jobs. Then-Commissioner Doris Meissner told *Government Executive* magazine in a 1999 interview, "You don't overcome a history like that in four to five years."

Solving the many problems with our immigration system will not be easy. There have been various plans to reorganize the INS altogether, including splitting the service and enforcement functions, into either two agencies or two separate chains of command within the current INS. But money and institutional reorganization won't be enough on their own. The best way to give the INS the breathing room it needs to put its house in order and to address homeland security concerns is to reduce its workload by reducing temporary and permanent immigration.

Conclusion

The fundamental changes in our immigration system proposed above should be an especially attractive option because not only would they be politically popular but they also would not involve any infringement on the civil rights of American citizens. If the American people are going to have to wait in much longer lines at airports and in other public places from now on, it is not too much to ask foreign citizens to do the same.

Some may object to greatly increased screening, interior enforcement and border control because only a tiny fraction of the millions of immigrants and visitors (or non-immigrants) who come to the United States each year represent a security threat. We are, some would say, looking for "a needle in a hay stack" by focusing on immigration reforms. But this objection makes little sense. All security measures are directed at only the tiny fraction of the population who wish to break the law. Every persons who boards an airplane, for example, must pass through a metal detector and have his baggage x-rayed. This is done not because most or many intend to hijack the plane but rather for the one out of a million who is planning to do so. It is the same with screening immigrants and controlling the border.

To be sure, no steps to reform immigration will catch all those who mean us harm. But a lower level of immigration and dramatic improvements in visa processing and border security could make an enormous difference. If only a few of the dozens of people involved in the September 11 plot had been identified by consular officers or border inspectors, or been apprehended when their visas expired, it is very possible that the entire conspiracy would have been uncovered. Persistent terrorists will, of course, continue to probe our immigration system for weaknesses. It is for this reason that we cannot, for example, improve visa processing but leave large sections of our land border undefended. Only a vigorous, well-funded, integrated border management infrastructure which employs the latest technology and enjoys sustained political support can be expected to adapt to the ever-changing terrorist threat. Moreover, only a well-funded and well-run immigration system will be able to utilize the new information that is expected to result from the added resources that are now being devoted to intelligence gathering. Today's under-funded and fragmented border control system, using out-of-date technology, will certainly not be able to respond to the shifting challenges of the future.

There can be little question that the suggested changes outlined above would cost taxpayers billions of dollars to implement. But the alternative is to expose the country to very significant risks that could be avoided. If we want the American people to continue to support legal immigration, we must make every effort to reduce the possibility of terrorism in the future. ■

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Immigration and National Sovereignty

Testimony by Mark Krikorian

> *Immigration is not a right guaranteed by the U.S. Constitution to everyone and anyone in the world who wishes to come to the United States. It is a privilege granted by the people of the United States to those whom we choose to admit.*
>
> *– Barbara Jordan, August 12, 1995*

Thank you for the opportunity to participate in this briefing on immigration and civil rights in the wake of the September 11 jihadist atrocities. We are faced with two questions relating to civil liberties. First, Is immigration a civil right? And second, What is the best way to create an environment respectful of immigrants living among us?

Immigration Is Not a Civil Right

Article I, Section 8, Clause 4 of the Constitution grants Congress the power to establish a "uniform Rule of Naturalization." From this has developed the "plenary power doctrine," which holds that Congress has complete authority over immigration matters. The Supreme Court has said that "over no conceivable subject" is federal power greater than it is over immigration. As a consequence, as the Court has said elsewhere, "In the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens."

This is as it should be, since control over immigration is fundamental to national sovereignty. If "We the People of the United States" have ordained and established the Constitution, then we by definition retain the power to determine who is, and is not, a member of the American people. Thus, the decision to admit or exclude foreign citizens is a matter solely in the hands of the elected representatives of the people, and anyone from abroad who is admitted to travel or live among us does so as a guest, remaining here at our pleasure, until such time as we agree to permit him to become a member of our people. In effect, foreign citizens, even if they are here illegally, enjoy the human rights with which they are endowed by God, but they remain here at our discretion and the specifics of their due process rights are determined by Congress.

This is relevant in assessing many of the measures to tighten immigration control recommended in the wake of the September 11 attacks. All nineteen hijackers were, after all, foreign citizens, as are many of those detained as possible accomplices or witnesses. This was also the case with the conspirators in the first World Trade Center attack, the 1993 CIA assassinations, and the foiled bomb plots in New York in 1995 and in Washington state in 1999. Foreign citizens, or naturalized immigrants, are almost certain to be responsible for the next attack, whether it comes in the next few days, as the FBI has warned, or further in the future.

To begin at the first step in the process of coming to the United States, there is likely to be special scrutiny applied to visa applicants from Muslim countries and even to people of Middle Eastern birth who now hold other citizenship. Whether or not ethnic or religious profiling is an appropriate tool in the government's dealings with American citizens, there are no civil rights implications against such profiling of foreign citizens overseas. The United States government may refuse entry to any foreign citizen, for any reason, at any time. It is precisely to preserve this irreducible element of national sovereignty that repeated attempts to subject visa refusals to review have been rebuffed by Congress.

One of the grounds for exclusion may well be expanded as a result of the jihadist attacks, one that

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would be unacceptable if applied to citizens but clearly permitted, indeed mandated, when applied to non-citizens abroad. Current law makes it extremely difficult to turn down a visa applicant because of his "beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States." To keep out a terrorist sympathizer, who publicly cheers the murder of Americans but who, as far as we know, hasn't yet raised money for terrorist groups or planned out their assaults, the Secretary of State must personally make the decision and then report each individual instance to four congressional committees. It is imperative that visa officers be given a freer hand in excluding enemies of America, even if their hatred for us would be constitutionally protected if articulated by citizens. The First Amendment does not apply to foreigners abroad.

Fingerprinting of visa applicants is another change likely in the wake of the attacks. Ideally, foreign visitors, students, and workers would have their fingerprints digitally scanned when applying for their visas, then scanned again when entering the country and again upon departure. Despite claims to the contrary, there are no civil rights implications of this security measure; this would simply be one of the conditions of being a guest in the United States.

The next stage in coming to the United States takes place at the border. Here, a tool to prevent the penetration of our system by terrorists and others has already been implemented. Although many have claimed that there are civil-rights consequences to the procedure known as "expedited exclusion," enacted in the 1996 immigration law, there are no such consequences. That provision sought to end asylum abuses through the expedited exclusion of false asylum claimants at airports; when a person who has arrived in the United States with no documents or with forged documents claims asylum, the initial plausibility of his claim may be judged by the immigration officer, to be reviewed by his supervisor if the officer makes a negative determination, and the alien may then be prevented from entering the United States and pursuing an asylum claim. Again, this is part of Congress's plenary power over immigration, and there are no civil-rights consequences of this policy.

And finally, within the country, non-citizens do have rights, more if they are permanent residents and thus candidate-members of the American people, and fewer if they are "nonimmigrants," i.e., on some sort of temporary visa. One change in the treatment of non-immigrants that is almost certain to be implemented in the wake of September 11 is the tracking of foreign students. Under a pilot program mandated by the 1996 immigration law, about two dozen colleges are participating in a program that requires the schools to update the INS on a quarterly basis about the academic status, address, field of study, etc., of all foreign students. This program was set to expand to all schools accepting foreign students over the next several years, but will now be accelerated. Many foreign students and university spokesmen have complained about this as "unfair" or "discriminatory," using civil rights language to express their displeasure. But of course, as I have discussed, these students are here purely as guests in our house, and we are entitled to place whatever conditions we deem appropriate on their stay.

"It is imperative that visa officers be given a freer hand in excluding enemies of America, even if their hatred for us would be constitutionally protected if articulated by citizens."

The same is true regarding the registration of lawful permanent residents. In 1940, as a security measure to try to prevent our enemies from infiltrating spies and saboteurs into immigrant communities, Congress required registration of all legal immigrants, which included a requirement that each alien notify the INS annually of his whereabouts. This notification requirement was discontinued in 1981 and shouldn't be revived in that form; members of terrorist sleeper cells cannot be expected to dutifully send in their addresses. However, a computerized system to verify

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the employment eligibility of new hires (pilot programs for this system were mandated by the 1996 immigration law) could be a very effective tool in tracking the whereabouts of non-citizen legal immigrants and would, in effect, serve as a registration program for most resident aliens.

Deportation policy is another area where some have warned that measures recently passed or now proposed would have civil-rights implications. The problem with this view is that deportation is not punishment; only non-citizens may be deported, and they are here either as our guests or as illegal aliens, and may be removed at any time so long as lawful procedures are followed. In the Supreme Court's 1999 ruling in Reno v. American-Arab Anti-Discrimination Committee, for instance, the free speech rights of, in this case, illegal aliens were sharply and appropriately limited in the context of deportation proceedings. In the wake of September 11, it is possible that further limitations on speech and affiliation will be imposed on non-citizens, entirely appropriate limitations in such a national emergency.

The 1996 anti-terrorism and immigration laws also allowed the use of classified evidence in deportation proceedings of suspected terrorists. Virtually all of the tiny number of cases using secret evidence have involved Arabs and/or Muslims, a result which has given rise to civil rights complaints. There has even been legislation to require that such classified evidence be disclosed, which would compromise intelligence sources and methods. Though little has been heard about this since September 11, complaints based on civil rights concerns will eventually resurface. Again, deportation is not punishment – immigration proceedings are administrative, not criminal, and their purpose, according to the Supreme Court, is to "provide a streamlined determination of eligibility to remain in this country, nothing more." Thus, as the FBI general counsel noted in testimony last year, "the full range of rights guaranteed a criminal defendant, including the Sixth Amendment's right to confrontation of evidence, are not applicable in immigration proceedings."

Even the deportation provision in the original version of the administration's anti-terrorism package would not have had any civil rights consequences. That provision, since dropped, would have allowed deportation of persons certified as having terrorist ties without the presentation of any evidence at all. This is admittedly an emergency measure, but it would have been entirely appropriate and may yet be implemented as further terrorist attacks take place. Any ability accorded the alien to appeal deportation decisions is an act of grace on the part of the American people, rather than a right possessed by the alien. The courts thus have a role in ensuring that the alien is accorded due process of law, but the content of the law regarding removal of aliens is not a proper object of constitutional review.

It would be unfortunate if, in our effort to prevent another 6,000 American deaths – or 60,000 or 600,000 – we were inadvertently to deport some foreign citizens who pose no threat to us. But their presence here is a privilege we grant, not a right they have exercised, and we may withdraw that privilege for any reason.

Detention is another matter. Although INS rules allowing longer detention for illegal aliens before instituting proceedings are simple common sense, indefinite denial of liberty is disturbing, as the Supreme Court concluded in the Zadvyas v. Davis case. Even non-citizens possess the natural rights of life, liberty, and property, and the situation of those colloquially called "lifers" – deportable aliens whose countries of citizenship will not accept them back – is untenable. Only those deemed by the INS to be a threat to others should be kept in detention, while the federal government should seek political solutions to coerce, if necessary, the sending countries to take back their criminal citizens. There are some instances, however, in which this simply won't happen, since the people finding themselves in this situation are almost always refugees fleeing communist or other despotic regimes hostile to the United States.

To Maintain a Pro-Immigrant Climate, We Need Lower Levels of Immigration

Given that coming to America is a privilege and not a right, we still should seek to create a climate welcoming to those immigrants we do admit. In other words, although we have the right, and the duty, to regulate immigration to the benefit of the American people, it is desirable as a policy matter that the climate we create for immigrants is as welcoming as

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possible. How may we accomplish this?

The United States admits between 700,000 and 900,000 legal immigrants per year, plus millions of long-term and short-term visitors (tourists, business travelers, students, workers, *et al.*). What's more, it is much easier for immigrants to become citizens in our country than in virtually any other – last year alone, almost 900,000 people began the year as foreigners and ended it as Americans.

"[One option:]...a pro-immigrant policy of low immigration, one that admits fewer immigrants but extends a warmer welcome to those who are admitted."

The result is that today there are about thirty-one million foreign-born people in the United States, more than sixty percent of them non-citizens. This is the largest wave of immigration in the nation's history, surpassing the period at the turn of the last century, and with no end in sight. This high level of immigration has a variety of economic, fiscal, social, demographic, and political costs and benefits, which are not appropriate subjects for this briefing. But it is appropriate to ask how this unprecedented flow of newcomers affects the treatment of immigrants and the nature of their welcome.

Unfortunately, there is an inverse relationship between the level of immigration and the hospitality accorded newcomers. In other words, more immigration results in harsher treatment for the immigrants. We have seen this process over the past generation as immigration has steadily increased in tandem with restrictions on immigrants. Political responses to this increasing immigration began in 1994 with the overwhelming passage by Californians of Proposition 187, which sought to deny certain government services to illegal aliens, and continued through 1996, with the passage of laws aimed at terrorism, immigration, and welfare. Although all of these changes were within our power as a people to make and raise no legitimate constitutional concerns, some were unfortunately anti-immigrant, such as the sweeping welfare eligibility bans for legal immigrants or the retroactivity of the expanded definition of deportable offenses. Even the many elements of those laws which were positive were made necessary by high immigration, such as expedited exclusion or the rules making immigrant sponsorship agreements legally enforceable.

This contradiction is not merely a function of ethnic animus or fear of the other, though I have no doubt they play a role. Even in the absence of our darker impulses, mass immigration necessitates more restrictive treatment of immigrants. For instance, the presence of a large and continually increasing number of poor people forces us to set priorities regarding social spending, whereas a small number of immigrants, even if they made relatively heavy use of welfare, would not force such choices. Also, the rapid population growth driven mainly by high immigration fuels the growth in government regulation of all aspects of life, whereas lower population density necessitates less government regulation of society. More immigration also means more immigrant criminals, whatever the general crime rate among immigrants, and this requires more restrictive rules governing non-citizen criminals, whereas a lower level of immigration would not give rise to the need for such special rules.

Therefore, we cannot have pro-immigrant policy of high immigration, however much many on the left seek it. What we have now is an anti-immigrant policy of high immigration, crafted mainly by the libertarian wing of the Republican Party, and especially by Spencer Abraham, formerly a senator and now Secretary of Energy.

There are two other policy options. One is an anti-immigrant policy of low immigration. There are people who actually support this, but their number is small and their political impact is infinitesimal. The other option is a pro-immigrant policy of low immigration, one that admits fewer immigrants but extends a warmer welcome to those who are admitted. This is the only way in the real world to cultivate a pro-immigrant policy that would defuse many of the civil rights concerns, valid or not, surrounding our treatment of non-citizens. ■

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Three Ways to Stop Foreign Terrorists

by James H. Walsh

Three ways to stop foreign terrorists include lobbying for twenty-first century immigration laws, demanding their enforcement, and selecting strict constructionist judges.

To date, whenever the United States has strayed from the Constitution, a historical event has occurred demanding a correction of our course. The September 11 terrorist attacks are surely such an event. Recent years have witnessed a blurring in the separation of powers of the federal government, in no area more than in immigration.

The Congress, whose charge it is to pass legislation beneficial to all people in the nation, instead has produced muddled, unenforceable immigration laws, tailored to appease special interests. In turn, lobbyists of these interests—businesses, farm and grower associations, immigrant rights groups, civil rights groups, and some religious groups—have supported the election campaigns of open-border advocates. The Congressional record speaks for itself; in recent years, each time Congress has drafted a tough immigration bill, special interest lobbyists have rallied their forces to weaken it.

The Executive Branch has fared no better. Over at the U.S. Justice Department, the Immigration and Naturalization Service (INS) and the Border Patrol have abdicated their enforcement responsibilities. By default, they have legalized the illegal entry of foreign nationals into the United States.

Aggravating the situation are federal court decisions that block enforcement of constitutional laws. Such rulings are the specialty of judicial activists intent on setting U.S. immigration policy from the bench. These activist judges place themselves above the founding fathers, as they attempt to usurp the legislative prerogative.

James H. Walsh *served as Associate General Counsel of the U.S. Immigration and Naturalization Service, 1983-1994. He was selected as a German Marshall Fund Scholar on Immigration in 1986 and continues to write on immigration issues.*

Illegal Entry

How are foreign nationals managing to enter the United States illegally and without valid documents? Those who slip across U.S. borders evade inspection at any port of entry. Others enter on valid documents but then overstay the expiration date on travel, student, or work visas. Some enter on valid documents obtained by illegal means, such as fraud, deceit, or theft. Most Hispanic and Chinese illegal aliens pay large sums to alien smugglers, vicious criminals who escort them across U.S. borders. Arab illegal aliens, for the most part, overstay visas, although some use fraudulent documents at airports of entry, and others cross the land border from Canada. Our neighbor to the north has had a relaxed attitude toward Commonwealth passports, that is, passports from nations that were formerly English crown colonies. These include Afghanistan, Pakistan, India, Bangladesh, Ceylon, and most of sub-Saharan Africa. European and many Asian illegal aliens overstay their visas, with a few crossing U.S. borders on their own.

When asked, the American people are solidly against illegal entry. They want visas tracked and U.S. borders secured. Contrarily, the federal government has heeded special interests that challenge the majority view. As voters and taxpayers, U.S. citizens have the power to put the government back on the course set by our founding fathers—a course that has made the United States of America the oldest democracy in the history of the world. The recent terrorist attacks demonstrated that we foolheartedly risk our democracy by pandering to immigrant special interests.

Getting Congress Back on Track

For the past 30 years, on an annual basis, Congress has produced a jumble of immigration amendments pushed by immigrant lobbyists rather than by the majority of U.S. voters. Immigrant special interest groups have

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their own agendas, many of which subordinate the security of the nation. One school of thought is that Congress intentionally has made immigration a permanent circus, so as to placate lobbyists and allow them to gain new ground for their clients with each legislative session.

Overlooked is the fact that illegal aliens, by their very presence, regardless of method of entry, are committing a felony. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was passed to crack down on alien criminals and to expedite deportation. One of its provisions authorized an Institutional Removal Program (IRP) to deport the worst of the convicted criminals in this country illegally. When immigrant lobbyists complained, Congress once again reversed its position. In the aftermath of the World Trade Center attacks, the three-card-Monte that Congress has played with immigration must end. The immigration street swindle is no longer a benign and beguiling pastime of would-be Robin Hoods.

"In the aftermath of the World Trade Center and Pentagon attacks, the three-card-Monte that Congress has played with immigration must end."

Congress finally must measure the weight of illegal immigration, and the tonnage of the World Trade Center rubble is a damning indictment that demands the following remedies:

Put public health first. Terrorists have the ability to introduce contagious diseases by means of infected persons as well as bioterrorist weapons. Require medical clearances for all visas, for all asylum applicants, and for all those detained as illegal aliens. In the past, legal migration and visa travel required health clearances, and many a person was returned immediately from Ellis Island to the port of embarkation for medical reasons. Foreign nationals, who slip in across our borders, come with no bill of health.

Make enforcement a national effort. Require all federal, territorial, regional, state, and local officials to ask the immigration status of all foreign nationals with whom they deal and to immediately report known or suspected undocumented aliens to a secure federal database. Throughout the nation, government officials at various levels are ignoring U.S. immigration laws to the point of contempt. For instance, a California assemblyman introduced a bill to allow illegal aliens to legally obtain driver licenses, and the sheriff of Los Angeles devised a plan to shield illegal aliens from deportation. Such defiance of U.S. law is unacceptable. Congress can make it a criminal offense for government entities to fail to report all undocumented aliens.

Institute a national identity card. Use corneal prints, fingerprints, or other technology to establish the true identity of all foreign nationals seeking to enter this country. National security depends on personal security. The precedent for national ID cards has been set by unsecured documents such as driver licenses and social security cards. For law-abiding citizens and foreign nationals, national ID cards will entail no loss of freedom or civil rights, and they will help secure U.S. transportation systems and homeland security.

Raise visa standards. In the past, the U.S. State Department, which issues visas, often assigned young consular officers to this task. The war on terrorism requires experienced consular officers in the field to train young officers in handling visa applications by foreign nationals wishing to travel, work, or study in the United States. Centralize visa applications at one consular office in each country and enter all information into a secure database, beginning with the application process and tracking all subsequent information. Check all visa applications against immigration and terrorist watch lists. Track visa applications by code, including a corneal print or fingerprint for each applicant. Set visa application fees to cover the cost of security measures necessary to block the sale of forged documents rampant throughout the world. The task force named by President George Bush to "tighten up the visa policy" can close many potentially dangerous loopholes.

Institute a Foreign Worker Program. Long overdue is a new immigration program to legalize workers, who now enter the country illegally. Congress is discussing the feasibility of a modern version of the World War II

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Bracero Program that legalized temporary entry of Mexican workers. An updated worker program could issue bona fide foreign workers a visa to enter the United States for a fixed period, such as nine months a year, renewable on a year-to-year basis. Such workers would be guaranteed a minimal wage; they would contribute to Social Security and income taxes, and would be eligible for related benefits.

Reorganize the INS. Long treated as the stepchild of the U.S. Department of Justice, the INS needs some respect, but it won't happen without reorganization and a defined mission. As it stands now, INS has dual and conflicting missions: enforcement (deporting criminals) and benefits (awarding citizenship). Transfer immigration enforcement to a new federal interdepartmental agency, combining the INS and Border Patrol (Justice Department) with the U.S. Customs Service (Treasury Department). The new agency also would include immigrant medical exams by the U.S. Public Health Service (Health and Human Services Department) and plant and animal inspections (U.S. Agriculture Department). Place immigration benefits in the U.S. State Department, which already issues visas. These five agencies currently have a hand in immigration but often work at cross purposes and fail to share intelligence. Reorganization is essential in our War on Terrorism.

"Transfer immigration enforcement to a new federal interdepartmental agency, combining the INS and Border Patrol with the U.S. Customs Service."

Expedite deportations. Begin deportation hearings on all foreign nationals without proper documentation within 72 hours of detention. Curtail the many avenues of appeal and repeated appeal. The U.S. Constitution does not mention special rights for immigrants, and one concise appeal time period and procedure is just. Simplify immigration laws by doing away with such legal-quagmire concepts as "exclusion" and "entry without inspection" that have helped create the current immigration free-for-all. Aliens contemplating illegal entry and the alien smugglers they pay will get the message that no longer can they depend on decade-long delays for asylum claims, legal appeals, and situational claims of constitutional rights. The United States is in a War on Terrorism, and a precedent exists for expedited deportation hearings in wartime.

Ending the Lapse in Enforcement

Before September 11, 2001, there was no concerted effort by federal agencies charged with the enforcement of immigration laws. Years of constant tinkering with U.S. immigration laws have led to a disarray of federal regulations used in implementing the statutes. The result is mixed signals and contradictory directives, top to bottom, with administrators and field personnel hesitating to take any action.

State and local governments, seeing that federal agencies do not cooperate to enforce immigration laws, have chosen to turn their backs on the issue, forbidding their personnel to ask the immigration status of foreign nationals receiving benefits and services. With governmental entities failing to enforce immigration laws, how can private groups and individuals be expected to report immigrant irregularities? End this nation-wide lapse in enforcing immigration laws. The President, who directs the federal agencies, and the Congress, which has oversight and funding power over the agencies, must be tough taskmasters. Make the laws clear and require accountability.

Corralling Judicial Activism

Federal judges have the authority to declare U.S. immigration laws unconstitutional. Short of that, they exceed their authority by blocking the enforcement of existing laws. It is the responsibility of Congress to amend or replace laws. Immigration legislation, if constitutional, is the law of the land and must be enforced, and no judge should stand in the way. The United States and the United Nations recognize five categories for asylum claims: persecution because of race, religion, nationality, membership in a particular social group, or political opinion. Rulings by federal judges who would add gender issues such as homosexuality and female mutilation exceed their authority.

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Reclaiming Our Constitutional Rights

Congressional gamesmanship, bureaucratic ineptness, and judicial activism have opened the floodgates to a massive wave of illegal entries. Numbers vary, because currently the nation has no inter-agency database to track foreign nationals, legal or illegal. The recent census projects that eight million undocumented foreign nationals currently reside in our nation. Off-the-cuff estimates by the U.S. Border Patrol put the actual total at three times that number. Until the Census figures were released, the INS placed the number of undocumented foreign nationals at four million. Although the State Department reports that 500,000 foreign students are in U.S. colleges, there is no federal requirement for colleges to keep and report attendance records of these aliens.

It is high time for us to reduce illegal entries by streamlining immigration and visa laws, by enforcing these laws, and by selecting judges who interpret our laws rather than write them.

The ease with which men, women, and children enter our nation illegally has led to a flagrant disrespect for all U.S. laws and for the United States itself as a nation. Undocumented aliens have roamed our streets, safe in the knowledge that it was politically incorrect for anyone, in any capacity, to question, let alone, challenge their immigration status. Today, national security has become a mandate to protect our homeland and to right an egregious wrong – partly the result of our failure to take immigration seriously. ■

The Wrong Tool

Secure identification is better than military tribunals

by Lindsey Grant

The President's recent decisions to limit individual liberties in the pursuit of terrorists raises a question: is he selecting the wrong means, and dangerous ones?

I was in the Department of State in the McCarthy era and when J. Edgar Hoover was stalking Martin Luther King as a suspected communist and terrorist. To those too young to remember I urge: be warned.

The actions by the President and Attorney General Ashcroft should be ringing alarm bells around the nation. They have created special military tribunals to try legal resident aliens, thereby bringing us to the edge of martial law without the consent of Congress – without even notifying it. They have sanctioned hundreds of secret detentions without charges and without provision for habeas corpus. They have instructed the FBI to violate the confidentiality of detainees' consultations with their lawyers. These new powers apply only to aliens, but there is no assurance they will not be extended. Mr. Ashcroft says he plans to instruct the FBI to undertake surveillance of political and religious organizations – not simply of individuals – suspected of terrorist actions, without showing reasonable grounds for suspicion.

The government already had extensive powers to monitor and apprehend terrorists, and Congress gave it the additional powers the White House requested after the events of September 11. At this point, Congress should ask, how much more do we tilt the age-old tension between individual liberty and law and order? It will be a sad epitaph for a wonderful constitutional experiment if we allow twenty suicidal fanatics to panic the nation into undoing the protections that were built into our system by the first ten amendments to the Constitution, two centuries ago.

***Lindsey Grant** was a National Security Council staffer, member of the Department of State Planning and Coordination Staff, and Deputy Assistant Secretary of State for Environment and Population. He sent this message to the White House and Congressional leaders last November.*

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The emergency measures are based on a flawed image of the nature of the threat. The President apparently sees this as a traditional war, which can be won and finished. It is more likely to be a subterranean pursuit of a shadowy enemy for years or decades to come. Growing Arab populations are generating extreme water scarcities, declining incomes, widening disparities between rich and poor, joblessness and alienation. They drive a rage that turns people to extremists like bin Laden. Those conditions are not disappearing; they are getting worse, and there is no reason for confidence that moderate Moslem leaders will be able to bring the fanatics under control. And terrorism is not simply an Arab phenomenon. It has been endemic in Africa and Latin America. It can indeed be home grown, as Oklahoma City taught us.

"To put it bluntly: the government does not know who is entering and leaving the United States, or who is here."

Dealing with the terrorist threat will require patience and time. It will require that we learn how to identify and track the terrorists. That in turn requires that we cooperate with other nations, and those nations are going to back away if they think we have become irrational. Spain has already said it will not extradite suspects to the United States for trial by a military tribunal.

There are other things we should do that raise no constitutional issues. The government is forced to use a bludgeon where a scalpel would do better, because it does not have the information it should have. To put it bluntly: the Government does not know who is entering and leaving the United States, or who is here. If we should learn that a terrorist is planning an attack in the country, we could probably not find him. Our ability to identify people in the United States is negligible. It has declined in recent decades, because powerful interests don't want to see illegal immigration controlled and because of a misplaced congressional fear of identity cards. The right to conceal one's identify is not written into the Constitution, and it benefits only those who have something to hide. We need to put a better identification system in place, finally, and to develop the technology for sharing information with other countries. It would much improve our odds against terrorists, and it would help to control drug trafficking, organized crime, and the scale of illegal migration.

Presidents and Congress have been warned of the dangers of our present laxity, but they have equivocated in the face of opposition from businesses and organizations that benefit from cheap labor and foreign students' tuition payments, and from the immigration industry itself. (See David Simcox's article "Identifying, Screening, and Tracking Aliens: the fatal gap in the anti-terrorist shield," *The Social Contract*, Fall 2001, pp. 59-65, for a description of the history and specific proposals for change.)

The measures that are needed do not raise constitutional issues. Indeed, most of them have been legislated at one time or another and then vitiated or repealed, not because of Constitutional challenges but because of political opposition.

The creation of systems to identify potential terrorists would itself provide the basis for the FBI to obtain court orders for surveillance and detention within existing laws. In the meantime, the Congress has an obligation to examine, and if necessary withhold funds for, any governmental proposals to widen the scope of quasi-legal judicial procedures or to dilute the procedural protections against unreasonable search and surveillance. If Congress concludes that the government indeed needs some emergency powers, it would be wise to sunset any such legislation, to permit a longer and cooler look at it after the present mood has calmed. And the President's orders to the military last month to create secret military tribunals to try civilians has no place in our system. If necessary, our civilian justice system should be strengthened to do the job in the open. There is always the threat of more terrorist attacks, even if we develop a much a better system of identifying terrorists, but there is no clear and present danger to the nation that justifies dismantling our constitutional protections. ■

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Let's Have No National ID Card

It is a threat to American freedoms

Testimony by Rep. Ron Paul (R-Texas)

Mr. Chairman, thank you for holding this important hearing examining the question of whether national ID cards would enhance security. Protecting the security of the American people from foreign threats is the most important responsibility of the federal government, and there is much government needs to do in this area. Among the steps the federal government should take is to restrict immigration from countries which support or harbor terrorists and to implement policies that effectively enforce existing immigration laws. Moreover, private property owners certainly can take steps to protect their property from terrorists and other criminals. For example, it is perfectly legitimate for airlines to issue private ID cards to passengers and perform background checks as a condition of selling them tickets.

However, Congress should reject proposals which provide only the illusion of security, while in reality simply eroding constitutional government and individual liberty. Perhaps the most onerous example of a proposal that creates the illusion of security (yet really promotes servitude) is the plan to force all Americans to carry a national ID card. A uniform national system of identification would allow the federal government to inappropriately monitor the movements and transactions of every citizen. History shows that when government gains the power to monitor the actions of the people, it inevitably uses that power in harmful ways.

Ron Paul, M.D., *is a Republican Member of Congress from Texas. He gave this testimony before the Government Reform Committee, Hearing on National ID Card Proposals, November 16, 2001.*

A national ID card threatens liberty, but it will not enhance safety. Subjecting every citizen to surveillance actually diverts resources away from tracking and apprehending terrorists toward needless snooping on innocent Americans! This is what has happened with "suspicious activity reports" required by the Bank Secrecy Act. Thanks to BSA mandates, federal officials are forced to waste time snooping through the private financial transactions of innocent Americans merely because their banking activities seem suspicious to a bank clerk.

"A national ID card threatens liberty, but it will not enhance safety."

Furthermore, the federal government has no constitutional authority to require law-abiding Americans to present any form of identification before engaging in private transactions (e.g., getting a job, opening a bank account, or seeking medical assistance). As we consider how best to enhance the federal government's ability to ensure the safety of the people, it is more important than ever that Congress remain mindful of the constitutional limitations on its power.

In conclusion, Mr. Chairman, I once again express my gratitude to the committee for holding this important hearing. I also would remind my colleagues that national ID cards are a trademark of totalitarianism that contribute nothing to the security of the American people. I therefore urge my colleagues to reject all proposals for a national ID and to focus instead on measures that will effectively protect both security and liberty. ■

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The Illegals Among Us

Looking at 'clear' instructions from the courts to police agencies

by Robert D. Park

The events of September 11, 2001, what led up to them, and what has followed, have raised grave concerns over how our immigration laws are enforced. In 1996, Congress passed a law which gives power to state and local police to make arrests "of aliens not lawfully present in the United States."

If there is confusion over this law, it lies in the belief that police must ask the U.S. Attorney General to enter into an agreement and seek deputization of police officers as INS agents. Yet, under these provisions, no such agreement or training is "required."

Police agencies across the nation who want to help [in the apprehension of illegal aliens] are receiving little or no assistance from the INS.

Now comes the INS seeking help from the nation's police in arresting 314,000 absconded aliens under deportation orders (who are clearly "not lawfully present in the United States"). The question arises in some quarters: do police already have the authority to do so? It is possible that some states may not allow it. If so, that should be remedied legislatively.

Quoting the 1996 statute in part:

> *8 USC 1537 (g)...(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State: (A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or (B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.*

If this means what it says, why doesn't the INS take this opportunity to inform the press, public, and police of the fact? Perhaps then INS would get the cooperation it seeks and the American public would be better served.

Court Review of This Provision

Section 133, Illegal Immigration Reform and Immigrant Responsibility Act (8 USC 1357), has, on two occasions, been examined by the U.S. Tenth Circuit Court of Appeals which concluded that the arrests made by police of aliens "not lawfully present in the United States" were lawful arrests.

The introduction to *U.S. v. Ontoniel Vasquez-Alvarez*, 176 F.3d 1294 (10th Cir. 1999), cert. denied, USSC No. 99-5643, Oct. 4, 1999, states that "Ontoniel Vasquez-Alvarez ('Vasquez') was arrested by an Edmond, Oklahoma, police officer. The arrest was based solely on the fact that Vasquez was an illegal alien..." The Court then analyzed the law in question, writing in part:

> *Significantly, however, Congress provided that a formal agreement is not necessary for state and local officers to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens*

***Robert D. Park**, formerly with the Border Patrol, is founder of the Article IV - Section 4 Foundation, Prescott, Arizona, (888) 820-0061. The name of the foundation refers to the wording in the U.S. Constitution which instructs Congress to guarantee that every state shall be protected from invasion.*

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not lawfully present in the United States... [This] collection of statutory provisions evinces a clear invitation from Congress for state and local agencies to participate in the process of enforcing federal immigration laws.

In the other case, *U.S. v. Jose de Jesus Santana-Garcia and Gonzalo Alonso Ruiz-Tovar,* No. 00-4087 (10th Cir. 2000), a Utah state trooper made arrests which the Court upheld. In neither case had any agreement between the arresting agency and the U.S. Attorney General been entered into.

Police agencies across the nation who want to help are receiving little or no assistance from the INS. In Florida, for instance, the Commissioner of the Florida Department of Law Enforcement is told by one INS official in Washington, "...Under federal law, the only people who can enforce federal immigration law are immigration officers." Another says in order to receive the authority, "...the agency requires local police departments to train as INS agents..." and, "...it involves a memo of understanding with INS and DOJ (Department of Justice)..."

So why isn't this "clear invitation from Congress" clear? ■

Becoming a Naturalized American

It's free! It's easy! It's meaningless!

by Gerda Bikales

The deadly attack on America has united all Americans, native-born and immigrant, in defense of our country. We have rediscovered our patriotism and reflected upon some forgotten truths. With lengthening distance from the tragic events, we now ask ourselves what we can do to rebuild our frayed sense of cohesion and common destiny.

We must start by defining ourselves as Americans, members of a family with affective ties to one another. These are not based on bloodlines; they rest on an appreciation of our unique history, a belief in the freedom and dignity of the individual, and a commitment to the civic responsibilities that sustain these ties. Others can join our family, but they first must convince us that they have learned our history and values and that they will respect them. American citizens are inside this special family circle, and all others are outside it. There is a difference between citizens and non-citizens, which we have disregarded to our increasing peril.

As an immigrant who joined this American family nearly five decades ago, I have watched uneasily as every naturalization requirement has been lowered, eroding the significance of citizenship in the process. It is now merely a matter of filing papers and waiting to appear before the Immigration and Naturalization Service for a pro-forma interview and swearing-in. It demands little thought or study, virtually no emotional investment, and too often is perceived only as permission to sponsor relatives for immigration and to vote one's interests on election day.

To help revitalize the meaning of U.S. citizenship, I suggest the following:

Character Witnesses

I was required to bring two character witnesses to my INS interview, U.S. citizens who had known me for five years. It was difficult to find such people, not because of my defective character but because it meant their taking time from work. Two Americans

Gerda Bikales *of McLean, Virginia, is a board member of* The Social Contract *and former executive director of a citizen-based group advocating English as the official language of the United States.*

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willing to give up time and face a government official constitute a solid endorsement of the would-be American's quality.

This requirement was abandoned years ago. It should be reinstated to screen out persons whose behavior has been detrimental to American society.

Background Check

Candidates for citizenship must undergo a thorough background check. A criminal record should disqualify applicants. Since citizens cannot be deported, naturalizing criminals is unforgivable.

Unfortunately, given the exploding numbers of immigrants seeking citizenship, background checks have become superficial. At times they have been abandoned entirely under pressure from politicians seeking immigrant votes.

Civic Readiness

We have practically given up requiring that an applicant demonstrate knowledge of our history and political institutions along with having a basic command of English. People as young as fifty who have lived here twenty years without learning English can now take a simple test in their native tongue, often administered by a government contractor committed to passing everyone. Once accepted, such ill-prepared citizens generate demands for ballots in foreign languages and for other government services in various languages.

These misguided practices have diminished our sense of nationhood – so much so that on September 11 we surprised ourselves when we realized how deeply we still love our country. Henceforth, we must insist that English is the language of our government, including its voting procedures, and that every youngster be schooled in the language history has given us.

Renouncing Previous Allegiances

In this era of dual citizenship, we cast a blind eye on naturalized Americans who cling to their original citizenship and vote in elections abroad. There is much talk about toning down or even eliminating the loyalty oath that traditionally every naturalized citizen takes.

If we are serious about cultivating attitudes that will keep us united beyond the initial response to terrorism, we must reject the notion of trans-nationality. Dual citizenship is unacceptable. One is either an American or one is a foreigner. The loyalty oath to the United States must be retained, its antiquated language updated for easier comprehension, but its sentiments undiluted.

The recitation of the loyalty oath in a foreign tongue must be stopped, for it signals to the newest members of the American family that its charter members are indifferent to English. Not so! We care profoundly, for English is the bridge we all have to cross to come together in the public square.

"The recitation of the loyalty oath in a foreign tongue must be stopped for it signals to the newest members of the American family that its charter members are indifferent to English. Not so! We care profoundly..."

A Dignified Ceremony

The importance of becoming a citizen of this nation must be reinforced in the dignity of the ceremony itself, which should be taken out of football fields and movie theaters and returned to the courtroom, presided over by a robed judge. Becoming a U.S. citizen is a judicial matter, not to be treated as a mere administrative detail. The seriousness of the occasion demands formal yet personalized recognition of each individual's decision to join our family.

Reforming our naturalization laws is essential to reduce the mutual distrust and estrangement that have been allowed to build among members of the great American family. It is a highly symbolic but also practical way to lower the threat of harboring terrorists in our midst. ■

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U.S. Immigration Policy

Massive inflow is overwhelming our ability to provide basic services

by Senator Robert Byrd (D-WV)

Mr. President, in his delightful work *Democracy in America*, Alexis de Tocqueville begins his thoughts on the origins of Anglo-Americans with these words:

> *The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same language; they were all children of the same people.*

For generations, the United States has had the good fortune to be able to draw upon not only the talents of native-born Americans but also the talents of foreign-born citizens. Immigrants from many nations built our railroads, worked in our factories, mined our coal, made our steel, advanced our scientific and technological capabilities, and added literature, art, poetry, and music to the fabric of American life.

Of course, many of these new Americans struggled with our language and customs when they first arrived, but they learned our language, they absorbed our constitutional principles, they abided by our laws, and they contributed in a mighty way to our success as a nation.

Indeed, I believe that, particularly in the case of those who came to our shores fleeing tyranny, there has existed a unique appreciation for the freedom and opportunity available in this country, an appreciation which makes those special Americans among our most patriotic citizens.

In other words, do not go to Weirton, WV, and burn the flag. No, not in Weirton. We have at least twenty-five or thirty different ethnic groups in that small steel town in the Northern Panhandle.

Mr. President, the United States today is in the midst of another immigration wave – the largest since the early 1900s. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 10 percent of the total U.S. population. That is about 28.4 million immigrants living in the United States.

The less skilled the immigrants, the worse their employment prospects, the bigger the burden on schools, and the greater the demand for social services.

During the 1990s, an average of more than one million immigrants – legal and illegal – settled in the United States each year. Over the next 50 years, the U.S. Census Bureau projects that the U.S. population will increase from its present 284 million to more than 400 million. Immigration is projected to contribute to two-thirds of that growth.

These are unprecedented numbers. When I was born in 1917, there were about 102 million people in this country. When I graduated from high school in 1934, there were about 130 million people in this country. And today, there are 284 million people in America. This nation has never attempted to incorporate more than 28 million newcomers at one time into its society, let alone to prepare for an additional 116 million citizens over the span of the next fifty years.

Although many of the immigrants who have

Sen. Robert C. Byrd (D-WV) *gave this speech in the Senate on July 23, 2001. It is reprinted from the* Congressional Record.

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entered our country over the last ten years are skilled and are adjusting quickly, others have had problems. Last year, according to the Center for Immigration Studies, 41.4 percent of established immigrants lived in or near poverty, compared to 28.8 percent of natives. The situation had completely reversed itself from thirty years before, when, in 1970, established immigrants were actually less likely than natives to have low incomes, with about 25.7 percent living in or near poverty compared with 35.1 percent of the native population.

"We lament the loss of and the damage to our natural resources, yet we seem unable to see the connection to our loose immigration policy."

The deterioration in the position of immigrants can be explained, in part, by a significant decline in the education of immigrants relative to natives and by the needs of the U.S. economy. In 1970, 7.1 percentage points separated the high school completion rate of established immigrants versus natives. By 2000, established immigrants were more than three times as likely as natives not to have completed high school, with 34.4 percent of established immigrants and 9.6 percent of natives lacking a high school diploma.

The less skilled the immigrants, the worse their employment prospects, the bigger the burden on schools, and the greater the demand for social services. The National Research Council recently estimated, in December 1999, that the net fiscal cost of immigration ranges from $11 billion to $20.2 billion per year. That is enough money to fund the operations of the State of West Virginia for about 3 to 6 to 8 years.

As chairman of the Appropriations Committee and as a member of the Budget Committee, I well know of the extreme shortage of money to meet the needs of our own population today. Because of the 10-year tax cut that was enacted earlier this year, I am wrestling mightily with trying to provide enough money to educate our children, meet our health care needs, provide transportation to our population, and battle crime in our streets.

And, so, Mr. President, I grow increasingly concerned when I read media reports about discussions within the administration to grant amnesty to three million Mexican immigrants who illegally reside in the United States.

I am very concerned that an open immigration policy only makes it more difficult to adequately meet the needs of our nation. I have found the attempt to fund critical needs for America to be among the most frustrating challenges that I have ever undertaken. I have implored this administration to take into account these critical needs.

In many school districts, overcrowding is already a major problem. As our classrooms fill to the brim, they are becoming breeding grounds for violence. Economic growth in some regions of the country, and the resulting influx of workers, has created a surge in the number of school-aged children. A less stringent immigration policy will only make this problem worse.

This country's personal and commercial highway travel continues to increase at a faster rate than highway capacity, and our highways cannot sufficiently support our current or projected travel needs. Between 1970 and 1995, passenger travel nearly doubled in the United States, and road use is expected to climb by nearly two-thirds in the next 20 years. This congestion will grow even worse as immigration traffic increases.

And how will we provide for the health-care costs of these new citizens? Whether they arrive here legally or illegally, immigrants can receive federally funded emergency health-care service. As the immigrant population continues to increase, so will health-care expenditures to the federal government.

We also have an obligation to ensure the safety of the residents living in the United States – both native citizens and immigrants. Yet the Attorney General must soon release from jail and into our streets 3,400 immigrants who have been convicted of such crimes as rape, murder, and assault because their own countries will not take them back. We cannot protect our residents if our country is used as the dumping ground for the criminals of other nations.

We are struggling with ways to preserve and protect our environment. But population growth only exacerbates the increasing demands on our aging water and sewer systems, and further threatens the safety of our drinking water. Our "green spaces" are

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diminishing as more and more homes are being built to house our growing population. We lament the loss of and the damage to our natural resources, yet we seem unable to see the connection to our loose immigration policy.

We have a weakening economy, an increasing unemployment rate, a problem with adequately educating our people, a congested transportation infrastructure, a lack of adequate health care, and an administration that certainly is not totally unsympathetic to these needs. We cannot afford to take on more. I understand the desire to help the millions of people around the world who crave the blessings of freedom that we, as Americans, enjoy. At this time in our history, I do not know how we can possibly afford to provide for additional people who may need assistance with education, health problems, and job skills.

If we invite new masses to citizenship, we have an obligation to adequately provide for them. Yet we are presently frustrated with an inability even to provide for those who have come before and those who have been born in this country.

Mr. President, an interdepartmental group formed by the White House to suggest reforms of immigration policy is expected to include the option of granting legal residency to undocumented Mexican immigrants who have been working in the United States. The report raises the possibility of these illegal immigrants ultimately becoming citizens. Such a proposal would take this nation's immigration laws in the wrong direction.

The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which immigrants may live and work in this country. To capriciously grant amnesty to three million immigrants who circumvented these processes, who have resided and worked in this country illegally, sends exactly the wrong message.

Such an amnesty suggests that it is possible to gain permanent residency in the United States regardless of whether you arrived here legally or illegally.

That is the message that was sent in 1986 when President Reagan proposed a blanket amnesty to 2.7 million illegal immigrants based largely on the mere fact that they had lived in this country at least since 1982. I supported that amnesty, after accepting the arguments of the Reagan administration that such an amnesty would reduce illegal immigration when combined with tougher sanctions on employers who hire illegal aliens.

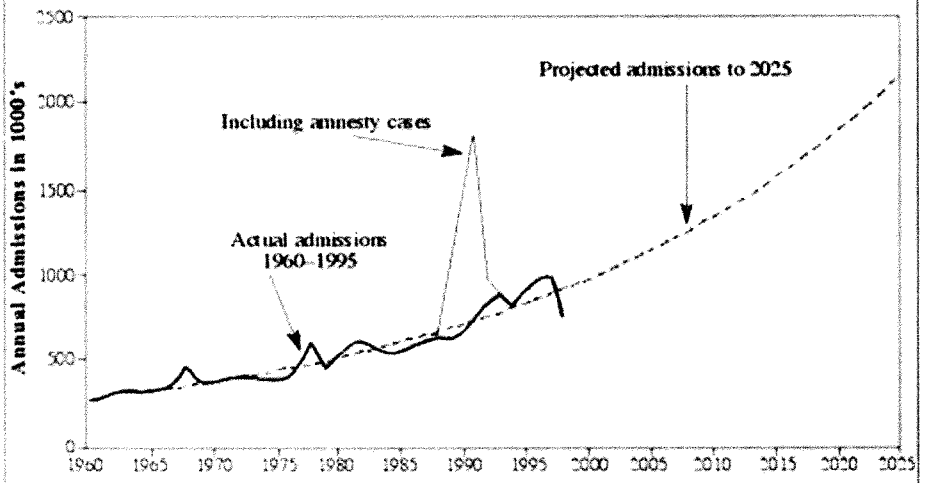
What happened instead was that the United States sent a message to the world that illegal immigrants could gain legal status in the United States without having to go through the normal processes. Consequently, illegal immigration jumped from an estimated five million illegals in 1986 to somewhere between seven million and thirteen million illegals today; and these estimates do not even include the 2.7 million illegals who were granted amnesty in 1986.

So, Mr. President, we should not repeat our earlier mistakes.

If amnesty is given to a class on the basis of their having broken the law, then we are rewarding breaking the law, we are rewarding a criminal act.

This is not the message that we should send to those who would consider illegally entering this country.

Immigrants Granted Legal Residence in the United States
(Actual Numbers from 1960 to 1995 and Projections to 2025)



The estimates for 1995 through 1998 include 500,000 applicants already living in the United States whom the INS expected to approve but whose cases it had not finished processing. The projected admissions for 1998–2025 assume that the 1965–1998 trend of an annual rise in admissions of 3.2 percent continues, with no new amnesties. The data are from the 1998 Statistical Yearbook of the Immigration and Naturalization Service.

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What is worse, such an amnesty undermines our present immigration laws and suggests that these laws mean nothing if, to those who break them, the federal government simply grants amnesty with a wink and a nod.

Millions of potential immigrants are waiting patiently for a chance to come to the United States legally. Why should illegal aliens have preference over these aliens who are waiting patiently? Amnesty sends the message that it is far easier and faster to become a U.S. citizen by immigrating illegally than it is to wait for legal approval.

Now, Mr. President, American citizenship should mean something. It should not be something merely handed out as a means of political expediency. It should not be something that one can achieve as some kind of squatter's right, particularly when access to the soil they claim was gained illegally.

Being an American is something to be cherished, something to be revered. Citizenship in the United States brings with it certain inalienable rights. Those who would come to our country to try to establish citizenship are often enticed by the promise of those rights.

The notion that each citizen is guaranteed certain protections is powerfully alluring. But what many fail to understand is that those rights are protected only so long as Americans are willing and able to defend them. Our populace must be constantly vigilant for those things that threaten to endanger our rights, our Constitution, and our form of government. Such threats go well beyond military invasion. They include the preservation of ideals such as liberty and equality and justice, which can be so easily chipped away.

In order to become citizens, most aliens are required to devote time to a study of our country and its history. They receive, at least, elementary guidance to help them appreciate the precious title of "citizen" and all that it entails. What goes all too often unspoken in this debate is that U.S. citizenship entails much more than rights. It entails responsibilities.

Our citizenry should be instilled with at least a basic understanding of the precepts that formed the foundation for this country. Lacking that, they are ill-prepared to be guardians of our future.

We Americans are justifiably proud of our history as a melting pot. If we go back far enough, we are all products of that melting pot, at least most of us. But the melting must be done in a way that ensures that these new citizens are ready to be productive, functioning Americans. We owe it not only to today's citizens but also to future citizens, including those who come to our shores expecting the opportunity for which America is so renowned.

Mr. President, the United States today is in the midst of another immigration wave – the largest since the early 1900s. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 10 percent of the total U.S. population. That is about 28.4 million immigrants living in the U.S.

During the 1990s, an average of more than one million immigrants – legal and illegal – settled in the United States each year. Over the next 50 years, the U.S. Census Bureau projects that the U.S. population will increase from its present 284 million to more than 400 million. Immigration is projected to contribute to two-thirds of that growth. ■

Security Begins at the Border

"It is far better to focus our efforts on immigration reform and ridding our country of suspected terrorists than to restrict the constitutional liberties of our own citizens. The fight against terrorism should be fought largely at our borders. Once potential terrorists are in the country, the task of finding and arresting them becomes much harder, and the calls for intrusive government monitoring of all of us become louder. If we do not want to move in the direction of a police state at home, we must prevent terrorists from entering the country in the first place. Finally, meaningful immigration reform can take place only when we end the welfare state. No one has a right to immigrate to America and receive benefits paid for by taxpayers. When we eliminate welfare incentives, we insure that only those who truly seek America's freedoms and opportunities will want to come here."

--Rep. Ron Paul, M.D. (R-Texas)

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9/11, Watershed 2001

by Richard D. Lamm

Let me attempt to describe for you the pre-September 11, 2001 America. In the last three presidential elections neither candidate got fifty percent of the vote. In the last three congressional elections neither party got fifty percent. We are a deeply and evenly divided country. Michael Barone calls it "The 49 Percent Nation." He points out that one America is moralistic, traditional, conventional, religious, and nationalistic-minded. The second America is liberal-minded, tolerant, permissive, non-traditional, international, and secular.

One America believes in economic freedom and regulation of social conduct. The other America believes in social freedom but economic regulation. One talks about "illegal aliens"; the other refers to "undocumented workers." One America believes in the "Nanny State" where the government provides benefits and helps even the playing field. The other America believes in the "Daddy State" which is a stern father and enforces moral conduct. One America believes in creationism, the other in Darwinism. One America thinks of abortion as murder, guns as an American way of life, and natural resources as something to be used. The second America believes abortion is a woman's right, guns are better if controlled, and natural resources are best conserved.

One America believes that God is an American who will save us no matter how hedonistic or inefficient we become. The second America warns that no great nation has ever escaped the passage of time – that all great nations rise and all great nations fall, and reminds us that Arnold Toynbee said the autopsy of history discovers that all great nations commit suicide.

America is run by two political parties, neither of which is an honest broker of the national interest. Both have been captured by special interests: the Republican Party by the religious right and big business; the Democratic Party by the trial lawyers, the teachers' union, and big labor.

There are a number of newspapers. There is the *Wall Street Journal*, which is read by people who run the country. There is the *New York Times*, which is read by people who wish they ran the country. There is *The Boston Globe* which is read by people who used to run the country, *The Washington Post* by people who work for those who run the country, and the *Miami Herald* by people who run other people's countries.

There are two opposing cultures when it comes to matters like population and immigration. One is the culture of growth where the future is an extrapolation of the past and growth can go on forever. America is a nation of endless entrepreneurship; and as the Sea Bees used to say in the Second World War, "the difficult we do at once, the impossible takes a little longer." The followers of this culture point out that we can now make wealth out of sand (computer chips), and they scoff at the idea of any limits in the ecosystem or of human ingenuity. They point to Malthus as a failed prophet; and they push for growth, believing that the problems of growth can be solved by more growth and that history is on their side.

The second culture in America warns that we live on a limited globe with a frail ecosystem. Adherents point out that the icecaps are melting, the rain forests are being cut down, the fisheries are being depleted, the globe is warming, and the topsoil is disappearing. This is the culture of limits that pushes for sustainability and population stabilization. They warn that ultimately the economy must fit within the ecosystem and that the world must recognize that we are pushing environmental limits.

What is the new America? The post-September 11 America is still being formed, and it is hard to judge the magnitude of the change or its permanence. The horror of September 11 is still sinking in. We know there are old words that have a new respect: words like "patriotism" and "borders" and "national pride" and "assimilation." But the implications of this new America are inchoate. The country that used to have two polarized philosophies has now been shaken up. America is now a lump of clay and we have a wonderful opportunity to reshape it on such issues as immigration, language and assimilation. ■

***Richard D. Lamm**, former governor of Colorado, currently directs the Center for Public Policy and Contemporary Issues at the University of Denver. He presented this brief keynote at Writers Workshop XXV sponsored by The Social Contract Press in Arlington, Virginia, October 21, 2001.*

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The Changing Dynamics in Congress

September 11 has considerable effect

by Rosemary Jenks

The primary immigration issue discussed in Congress during the summer of 2001 was amnesty for illegal aliens. The Bush Administration let slip early in the summer the fact that it was considering an amnesty for Mexican illegal aliens. Administration officials appeared surprised at the strong, negative public reaction to this trial balloon. Nonetheless, they continued amnesty discussions with the Mexican government, but they were careful to call their proposals anything but "amnesty" – terms like "earned legalization" and "regularization" were coined in an unsuccessful attempt to dupe the public.

A variety of different proposals was discussed, including programs to amnesty illegal agricultural workers, illegal service-industry workers, all illegal Mexicans, or all illegal aliens who had worked and paid taxes in the United States for a certain period of time. Congressional Democrats responded to these proposals with their own proposals to grant amnesty to all illegal aliens present in the United States.

By late July, it had begun to appear that, despite strong public opposition, some kind of amnesty program was inevitable. The Bush Administration seemed determined to continue its efforts to pander to Mexicans in a misguided effort to attract Hispanic voters for the next presidential election. (The effort is misguided since studies show clearly that the overwhelming majority of Hispanics vote Democratic.) Congressional Democrats, of course, had good reason to support the broadest possible amnesty, since more Hispanic voters means more Democratic votes.

In August, however, with the downturn in the economy, public opposition became increasingly vocal. The media finally began raising questions about the economic impact of an amnesty and suggesting that the momentum might be shifting. Members of Congress began to express reservations as well. Mexican President Vicente Fox solidified much of the opposition to amnesty when he visited Washington in early September and demanded that Congress pass an amnesty by the end of the year. His demands did not sit well with most Americans, or with many members of Congress, for that matter.

Just as we were beginning to see a real chance to defeat amnesty, we learned on Friday, September 7, that House Judiciary Committee Chairman Sensenbrenner (R-WI) had reached a deal with the White House to re-enact Section 245(i) for another year and that the House was scheduled to bring up the legislation on the Suspension Calendar the following Tuesday. Section 245(i) is the provision that allows illegal aliens to become legal immigrants simply by paying a fine of $1,000, as long as they have a relative who is a U.S. citizen or legal resident, or a U.S. employer, to sponsor them.

We were fairly sure that as opponents of amnesty we would lose the floor vote, but we didn't want the provision to pass without any opposition at all. Thus, FAIR, NumbersUSA.com, and other groups spent all of that Friday and Monday calling congressional offices. Many of the staffers with whom we spoke were not even aware that a vote on Section 245(i) was coming up. By Monday afternoon, we had lined up several Members to speak in opposition to the bill and

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to demand a roll call vote when it came to the floor.

Ironically, that vote, which likely would have allowed tens of thousands of additional illegal aliens to remain in this country for years before having to undergo any kind of background check, was canceled when the Capitol buildings were evacuated Tuesday morning following the terrorist attack on the Pentagon.

The Aftermath of September 11

Within hours of the attacks, the media were reporting that they had been carried out by foreign nationals. We knew at that point that the attacks would have a major impact on the direction of the immigration debate in Congress, but we had no idea how much of an impact or where it would take us.

The President and his administration, including Attorney General Ashcroft, immediately began looking at ways to improve intelligence-sharing among law enforcement agencies and to broaden federal wiretap and surveillance authority. The President asked Congress for $40 billion in emergency funding to respond to the attacks and beef up national security. He announced the creation of the cabinet-level Office of Homeland Defense to coordinate the domestic activities of the FBI, the CIA, Customs, and so on, but immigration enforcement was not mentioned as a priority for this new office.

We got word about a week after the attack that the Department of Justice (DOJ) was in the process of preparing a comprehensive legislative package to address terrorism. It had been agreed among the leaders of both houses and the White House that this would be the major vehicle for a legislative response to the attacks. We assumed, of course, that the package would include at least some serious immigration reforms. For the most part, we were wrong.

As proposed by DOJ, the bill focused on undercover surveillance, seizing terrorist assets, and information sharing among federal law enforcement agencies. It included only minor changes to immigration law, such as an expanded definition of terrorists for purposes of removal and broader authority for the Attorney General to detain removable aliens suspected of terrorist activities.

As the bill worked its way through the House Judiciary Committee, matters got even worse. Instead of strengthening the immigration provisions, backroom negotiations between Republican and Democratic committee members led to an agreement to add provisions to grant legal residence to the family members of aliens who were killed in the attack. Republican members were asked by the Chairman not to propose immigration reform amendments during the Committee markup in order to maintain the appearance of bipartisan cooperation. It became clear at that point that the counter-terrorism bill would not be the vehicle for needed immigration reforms.

The media, unlike the Administration, have not stopped talking about how the lax enforcement of our immigration laws allowed the terrorists into our country. We in the immigration reform movement certainly are used to the media leading Congress – to amnesty, to extending 245(i), to removing the teeth from immigration law. This is the first time since 1990, when I started working on immigration reform, that the media appear to be leading Congress toward real immigration reform.

Encouraged by the damning press coverage of the failures of our immigration laws and those who are charged with enforcing them, the resulting public clamor for reform, and the lack of meaningful reform in the counter-terrorism bill, individual members of Congress began to come forward with their own reform proposals. Amazingly enough, the Senate has been leading the way toward immigration reform. Even pro-mass immigration Senators Edward Kennedy (D-MA) and Sam Brownback (R-KS) feel the pressure to address immigration, although it appears that their goal is to pass weak reforms so as to avoid having to address the more serious reforms that are needed to secure our borders.

A flurry of bills has been introduced to address the various immigration-related lapses that allowed the terrorists to carry out their plan. They include several bills to strengthen airport security by, among other things, requiring airport security personnel to be U.S. citizens and requiring background checks on all pilots, crew and security personnel, and service and maintenance workers with access to aircraft. Other bills require data sharing among federal law-enforcement agencies.

The most notable of the post-September 11 reform proposals are those that would require some form of visa-tracking system. Some of these proposals

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are limited to foreign students, others would track all non-immigrants; and a few would track all non-citizens in the United States. In late September, Senator Dianne Feinstein (D-CA) announced that she would seek a six-month moratorium on student visas so that the student tracking system enacted in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) could be implemented fully. Pressure from universities led her to withdraw the proposal for the moratorium, but she has expanded her proposed tracking system so that it would cover all non-citizens. She also has co-sponsored legislation to require all visa applicants to be fingerprinted.

In the House of Representatives, the Immigration Reform Caucus, under the active leadership of Representative Tom Tancredo (R-CO), has been leading the charge on immigration reform. The caucus began developing its reform proposals within two days of the attacks. Rep. Tancredo presented these proposals to the Speaker of the House a couple of weeks ago. At this point, though, it is unclear how the caucus will proceed with its package, since any immigration-reform legislation must pass through the House Judiciary Committee, chaired by Representative Jim Sensenbrenner (R-WI). Rep. Sensenbrenner has stated publicly that he will not move any immigration legislation until the Immigration and Naturalization Service has been reorganized.

Finally, I want to note that, even though there clearly is movement in Congress on immigration reform, it is absolutely critical that we keep in mind the lessons of the 1996 reform effort: No matter how good our chances look for real immigration reform, we cannot afford to assume that Congress will act in the absence of strong and persistent pressure from reform groups and from the public. I believe we have a window of opportunity here, but it will take constant work and vigilance to make sure the window stays open long enough for Congress to act at its normal snail's pace. ■

Unintended Results

The convergence of civil rights legislation and immigration reform

by Hugh Graham

James Robb's study of affirmative action programs (in *The Social Contract,* Vol. VI, No. 2, Winter 1995) cited abuses of the program by such Hispanic millionaires as the Rodriguez brothers (Portuguese) in Washington and the Faniul brothers (Cuban) in Miami. They used their Hispanic minority status to get even richer on "minority business" set-aside contracts. In my new book, *Collision Course*, I draw attention to the convergence of 1964 civil rights programs for affirmative action and 1965 immigration reform legislation into a consequence of historic change in the American job market.

Affirmative action programs, coupled with mass immigration in the past thirty years, have had an unintended but profound effect on U.S. jobs. Between 1965 and 2000, 35 million immigrants came to America, 26 million of them from Latin America or Asia. As members of official minority groups, they became eligible for affirmative action preferences. They flooded the job market, hurting inner-city blacks and low-skilled whites, but were sought by employers who ironically used affirmative action programs as a rationale. The main ingredients of the story are these:

Hugh Graham *is Professor of History at Vanderbilt University. These remarks were prepared for delivery at the Twenty-Fifth Writers Workshop sponsored by The Social Contract Press. His new book,* Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America, *is being published by Oxford University Press and will be available in April, 2002.*

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(1) Within a decade, unintended consequences transformed the Civil Rights Act of 1964 and the Immigration and Naturalization Act of 1965 into the opposite of their original intent. Action to legislate for nondiscrimination was transformed into minority-preference affirmative action programs, and status-quo immigration reform became mass immigration from Latin America and Asia.

(2) President Nixon, ironically the father of affirmative action, institutionalized it through the Philadelphia Plan in 1969-71. It was designed to nourish black capitalism, attract black middle-class conservatives to the GOP, punish organized labor for blocking the Haynsworth Supreme Court nomination, and split the Democrats' civil rights-labor coalition. But, to avoid charges of supporting quotas, the Nixon administration said its goals and timetables were not quotas and deadlines. The target numbers were to be set by employers, not government officials, and required only a good-faith effort rather than actually meeting the target numbers.

(3) Business, especially large employers, embraced affirmative action and used it as a rationale for hiring immigrants from Latin America and Asia under a diversity umbrella that emphasized the utility of workers' cross-cultural ties and foreign language capacity in the global marketplace. William Julius Wilson's Chicago-based social studies (in which 179 firms were interviewed) document the resulting employer preference for immigrants, especially over black workers. And once this preference started, ethnic network recruiting sped it up.

(4) Eleanor Holmes Norton, chair of the Equal Employment Opportunity Commission, angry that firms were hiring immigrants over native blacks, cited a 1980 GAO study showing black youth jobless at 38.5% and Latino youth at 16.4%. She targeted Chicago for lawsuits to compel proportional employment on the basis of minority group representation. The first EEOC suit was against Chicago Miniature Lamp Works. In the 1970s that firm hired 66 % Hispanics, 16.5 % Asians, and 6 % blacks in the face of a 36 % black workforce in the Chicago area. Winning in a 1985 court trial, EEOC also sued Consolidated Service Systems, a Chicago janitorial business owned by Koreans and hiring 81 % Korean. But in the early 1990s, EEOC lost both suits on appeal in 7th Circuit Court with its majority of Reagan-Bush judges.

(5) The compromises forged to make possible the1986 Immigration Reform and Control Act defanged employer sanctions provisions, so businesses continue immigrant hiring, undeterred by either EEOC or courts or IRCA.

(6) A study of the post office revealed that by the 1990s Hispanic immigration was so heavy these immigrants were able to attack black over-representation in affirmative action programs, especially public employment. Newly elected Puerto Rican Rep. Gutierrez in his now-Latino-majority Chicago congressional district, was able to get a GAO study of post office jobs by race/ethnicity. The resultant 1993 study, in which 100 index means perfect proportionality, shows for Chicago: 439 for blacks, 56 for Asians, 33 Hispanics, 20 whites. (In Los Angeles, the black index is 646, Hispanics 42, etc.).

Some conclusions

The 1964 civil rights reform produced the unintended consequence of minority-preference policies.

The 1965 immigration reform produced the unintended consequence of mass immigration from Latin America and Asia.

The clearly expressed opinion of the majority of Americans has consistently opposed both these consequences.

Affirmative action programs have unintentionally provided the "diversity" rationale employers used to hire immigrants over blacks.

Affirmative action and immigration policies together hurt both low-skilled whites and, ironically, inner-city blacks. Affirmative action programs by-passed inner-city blacks in order to aid middle-class blacks, while at the same time mass immigration was lowering wages and enabling competition for the same jobs.

Protest against these consequences and their sources was strongest during economic stress (1973-1983 and early 1990s) and possibly will be again following the 2001 terrorist attacks and a resultant economic recession. ■

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At a Crossroad

Immigration reform and American unionism

by Vernon M. Briggs, Jr.

Since the founding days of the Republic, the relationship between American unionism and mass immigration has been contentious.[1] No issue has caused the labor movement more agony and irony. Agony because the scale of immigration affects the size, skill composition, and geographical distribution of the nation's labor supply. In the process, it influences conditions affecting employment, wages, and union-organizing opportunities. Irony because most adult immigrants immediately seek entry into the labor force as workers as eventually do many of their spouses and most of their children. Most adult immigrants do not enter the United States as employers.

It is no surprise, therefore, that throughout its history the American labor movement has sought to influence U.S. immigration policy. Every piece of major immigration law, from the time the initial statute was passed in 1864 through to the mid-1980s, carries labor's imprint. When the Act to Encourage Immigration was enacted in 1864, labor (i.e., the National Labor Union) fought for its repeal and was successful in doing so only four years later. When the Immigration Reform and Control Act of 1986 was enacted, with its historic provisions that made it illegal for employers to hire illegal immigrants, organized labor fought for its adoption and heralded its passage.

In 1892, when the U.S. Supreme Court finally made it clear that the determination of immigration policy was the sole and exclusive responsibility of the federal government, the president of the American Federation of Labor (AFL), Samuel Gompers, stated in his autobiography that "the labor movement was among the first organizations" to urge that immigration policy contain limits and that it be accountable for its consequences on workers.[2] As he put it, "we immediately realized that immigration is, in its fundamental aspects, a labor problem."[3] Immigrants must work to survive or be supported by those who do.

Gompers, who was himself a Jewish immigrant from England, is the most influential leader in the history of organized labor in America. A member of the Cigarmakers Union since shortly after arriving in the United States in 1863, he later became the first president of the AFL when it was founded in 1886. He held that office, with the exception of only one year (1894), until his death in 1924.

Gompers, like other major labor leaders before him and after him, intuitively sensed that there was an inverse relationship between membership in American unions and trends in the size of the foreign-born population. Figure 1 shows that, with scant exceptions, this relationship has held true. Despite the fact that he and other labor leaders as well as many of their union members were immigrants, they firmly believed that the movement's first obligation was always to the promotion of the economic interests of American workers. The interests of immigrants themselves were always a secondary consideration when fashioning the AFL's policy stance on immigration matters. In retrospect, independent research on the impact of immigration has consistently supported organized labor's conclusion that mass immigration suppresses real wages for workers, makes it difficult to form effective unions, and has been a persistent cause of income disparity within the nation.[4]

In 1965, the AFL – which by this time had merged with a rival federation to form the American Federation of Labor–Congress of Industrial

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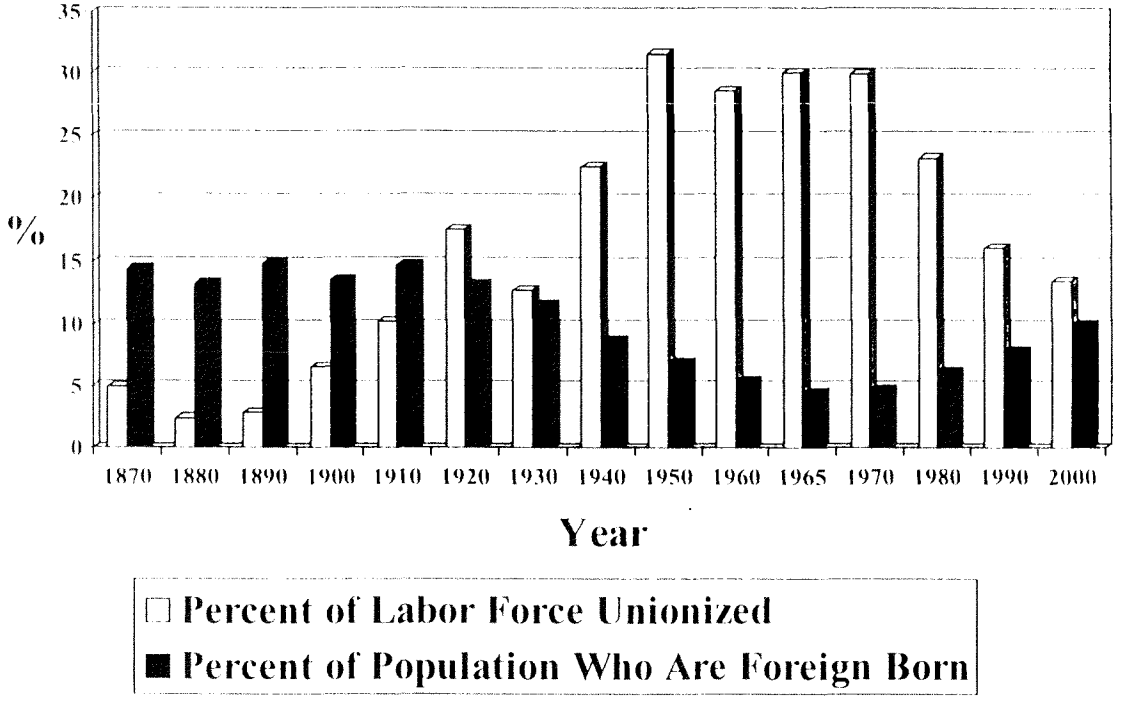
Organizations (AFL-CIO) – strongly supported the passage of the Immigration Act of 1965. Organized labor believed what the supporters of this legislation had promised. Namely, this legislation was intended only to eliminate the racism and ethnocentrism of the national-origins admission system that had been in place since the 1920s. It was not envisioned that this legislation would increase in any significant way the level of immigration. In 1965, the percentage of the population who were foreign born was at the lowest level in all of American history (4.4 percent, as shown in Figure 1). Likewise, membership in American unions was close to its historic all-time high (30.1 percent of the labor force). Organized labor had been flourishing for over 30 years while the scales of immigration had been contracting over this timespan.

What Has Happened Since 1965

From 1965 to 2000, however, the foreign-born population of the United States has increased by 231 percent (from 8.5 million immigrants to 28.4 million immigrants); the civilian labor force has risen by 86 percent (from 74.4 million workers to 139 million workers); but union membership has fallen by 10 percent (from 18.2 million members to 16.3 million members). Since 1968 (the year the Immigration Act of 1965 took full effect), the distribution of income within the nation has steadily become more unequal. The decline in union membership and the impact of mass immigration both have been identified by the Council of Economic Advisors to the President (CEA) as contributing explanations for the worsening income inequality in the nation throughout this period.[5]

In this post-1965 environment, mass immigration has repeated what it did in the past: it has lessened the effectiveness of unions and diminished their accessibility to workers. To be sure, there are other factors involved in the decline of union membership. The nation's labor laws, for instance, that supposedly protect the practice of collective bargaining are woefully inadequate when confronted with willful employer opposition. They, too, need to be significantly reformed. Likewise, globalization and technological change have radically altered the

Figure 1. Comparisons of the Percentage of the Labor Force Who Belong to Unions with Percentage of Population that is Foreign Born (Since 1870)



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nation's industrial and occupational structures to the disadvantage of organized labor's historic membership strengths. But the drastic weakening of the economic status of working people in this new era argues for increased union representation now more than ever. Mass immigration – especially of the disproportionate entry of unskilled and poorly educated job seekers – has significantly contributed to the income disparity pressures besetting the work force (be they native born or foreign born).

Labor's Shifting Position

In the late 1980s, however, organized labor signaled that it was reconsidering its historic position concerning immigration. When Congress began to debate and then passed the Immigration Act of 1990, the AFL-CIO remained on the political sideline. This legislation raised the level of legal immigration by about 35 percent over the levels in place since 1965. Initially, the annual number was set at 700,000 legal immigrants a year through 1994 when it was reduced to 675,000 where it currently remains. This figure does not include the admission of about 100,000 refugees a year (the actual number fluctuates as it is determined annually by the President) or those who defy the rules each year by entering illegally (estimated in the 1990s to have been between 300,000 and 500,000 persons a year). No legislation passed by Congress since 1990 has had a greater impact on the American population and economy than has this Act. The U.S. Bureau of the Census has estimated (using its "intermediate" projection) that the effect of immigration on the size of the U.S. population from 1995 to the year 2050 will be to add approximately 80 million people (i.e., the immigrants and the children they will have).[6] This increase will account for about two-thirds of the anticipated growth of the total population (131 million people) that will occur over this timespan. Hence, immigration is now the dominant factor in the determination of U.S. population growth. It will remain so until the terms of the Immigration Act of 1990 are altered and laws against illegal entry are strengthened and enforced.

In 1996, there was an effort made in Congress to reduce the levels of legal immigration back to their approximate pre-1990 levels. The effort was based on the work of the U.S. Commission on Immigration Reform chaired for most of its life by Barbara Jordan. The AFL-CIO opposed all of the proposed changes. When the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 did pass, the legislation had been stripped of all of its legal immigration reforms and restrictions on illegal immigration had been significantly "watered down."

The change in labor's posture was formally announced by the Executive Council of the AFL-CIO in February, 2000. It proclaimed that it now "proudly stands on the side of immigrant workers." Its new policy calls for the repeal of penalties on employers who hire illegal immigrants (in stark opposition to its unequivocal support for such sanctions in 1986 when they were enacted); the passage of a massive new amnesty program to allow millions of illegal immigrants presently in the country to legalize their status; and the encouragement to its members to become advocates for immigrant causes at the local level. Final confirmation by its membership of this policy shift occurred at the biennial convention of the federation held in Las Vegas in early December, 2001. Preceding the vote of approval, John Sweeney, the current president of the AFL-CIO, stated: "We are now a beacon of hope to millions of workers who've come to our country seeking a better life and I want you to know you have made me the proudest labor leader in the world by re-writing the AFL-CIO's policy on immigration."[7]

Why the Change?

The dramatic reversal in policy position is the result of several factors. The first is associated with the change in organizational leadership that occurred in 1995. That year, John Sweeney was elected president of the AFL-CIO in the first contested election for the position in 50 years. Sweeney believed that a change in direction was needed to reverse the precipitous decline in union membership that has occurred since 1965. Secondly, Sweeney believes that labor can no longer "go it alone." It needs to ally its voice with other progressive movements if it is to achieve its own political agenda. Hence, it has sought to join the informal "rainbow coalition" of special interest organizations. Each of these groups has its own concerns; but, collectively, they feel that, if they support those issues that have wide appeal (even if some are counter to their unique concerns), they will all be better off. Thus, to get support for labor-law

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reforms and greater enforcement of worker-protection laws, labor's leadership believe they must give up their historic views on immigration. Thirdly, labor leaders have concluded that the federal government is simply never going to crack down on illegal immigration so that unions are going to be increasingly confronted by illegal immigrants in the workplace. They understand that unions can only organize the workers that employers hire. If employers are going to increasingly hire illegal immigrants and the federal government is not going to enforce the sanctions against the practice, then unions must try to attract immigrants to the labor movement. Rightly or wrongly, they believe the best way to accomplish this is becoming an advocate for immigrant rights.

In a real sense, the policy shift can be seen as an act of desperation. Organized labor has felt isolated as its membership has fallen and its influence waned. The labor laws are in as bad shape as are the nation's immigration laws. But the national political leaders of both parties are indifferent to labor's plight. Politicians give faint praise to the nation's collective bargaining system as a preferential way for a free society to settle the inevitable disputes over wages, hours, and working conditions that arise between employers and employees. But the penalties for breaking the labor laws are weak, and it has become commonplace for employers to hire replacement workers when strikes occur rather than to shut down. Labor-law reform is desperately needed.[8] But it is highly unlikely that labor alone can garner the support needed to reform these laws. It is a gamble to seek to join with pro-immigration forces in the hope that they will reciprocate by helping labor with its needs.

The cost to organized labor of the shift in position on immigration policy, however, could be massive. For if it does by chance happen that immigrant workers do flock to unions in appreciation for their change in attitude, it will be exceedingly difficult to win gains for workers, because the ranks of the work force will have swollen. Such is already the case in that portion of the labor force where the bulk of the immigrant work force is employed – in the unskilled and semi-skilled occupations of the labor market – and where unions hope to expand their organizational efforts. Moreover, how long will it be before the native-born labor force, who also hold many of these same jobs in these same industries, realize that the greatest friend the working person in the United States has ever had – its organized labor movement – has turned against their interests?

Thus, this tactical shift by organized labor can be likened to a proposal to take a shortcut through quicksand. It is more likely to endanger rather than safeguard the labor movement. More broadly speaking, it also means that the movement to establish a reasonable and enforceable immigration policy for the United States has lost the most influential voice it has ever had. ■

NOTES

1. For detailed discussion, see Vernon M. Briggs, Jr., *Immigration and American Unionism* (Ithaca, N.Y.: Cornell University Press, 2001).

2. Samuel Gompers, *Seventy Years of Life and Labor* (New York: Dutton, Inc., 1925), volume 2, p. 154.

3. *Ibid.*, p. 157.

4. Timothy H. Hatton and Jeffrey G. Williamson, "The Impact of Immigration on American Labor Markets Prior to the Quotas," Working Paper No. 5185 (Cambridge, Mass.: National Bureau of Economic Research, Inc., 1995), p. 30; Stanley Lebergott, *Manpower in Economic Growth* (New York: McGraw-Hill Book Company, 1964), pp. 162-163; Harry A. Millis and Royal E. Montgomery, *Labor's Progress and Some Basic Labor Problems* (New York: McGraw-Hill Book Company, Inc., 1938), p. 31 (see also pp. 211, 239, and 244 for related discussion); and National Research Council, *The New Americans: Economic, Demographic and Fiscal Effects of Immigration*, Edited by James P. Smith and Barry Edmonton (Washington: National Academy Press, 1997), p. 227.

5. Council of Economic Advisors, *Economic Report of the President, 1995* (Washington: U.S. Government Printing Office, 1995), p. 182; and Council of Economic Advisors, *Economic Report... 1994*, op. cit., p. 120. See also Daniel H. Weinberg, "A Brief Look at Postwar U.S. Income Inequality," *Current Population Report*, P60-191 (Washington: U.S. Bureau of the Census, 1996), p. 1.

6. Jennifer Cheeseman Day, "Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995-2050," *Current Population Report*, P25-1130, (Washington: U.S. Bureau of the Census, 1996), Table 5 at p. C.

7. Tom Ramstack, "AFL-CIO Adopts Amnesty Proposal," *The Washington Times*, December 5, 2001, (http://www.washtimes.com/business/20011205-71368876.htm).

8. For details, see Briggs, *op. cit.*, pp. 157-158 and 187-188.

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Immigrants and Culture

Immigrants to the U.S. generally represent two different value systems

by Lawrence E. Harrison

Much of the national debate on immigration bulks all immigrants together, often as "legal" or "illegal." But the fact is that there are wide variations in the economic and political performance of immigrants, and these variations frequently reflect differences in cultural values and attitudes.

The table below summarizes two general types of cultures, one that promotes progress, one that resists it. I want to stress that it presents in black and white a reality that is gray. But many people have found it helpful in understanding why some cultures work better for human beings than others do.

Factor	Progress-Prone Culture	Progress-Resistant Culture
1. Orientation in time	Future oriented	Oriented to past or present
2. Mindset	"I can influence my destiny"	Fatalism, resignation
3. Wealth	Product of human creativity	What exists
4. Heterodoxy/Orthodoxy	Encouraged (innovation)	Suppressed (heresy)
5. Work/Achievement	Live to work: wealth is good	Work to live: poverty is OK
6. Competition	Leads to excellence	Aggression
7. Frugality	Mother of investment, prosperity	Threat to equality, redistribute!
8. Education, esp. higher ed.	Indispensable for all	A luxury for the elite
9. Advancement	On merit	Family, connections
10. Sense of community, radius of identification and trust	Extends to the broader society	Circumscribed by family
11. Ethical code	Rigorous, feeds trust	Elastic
12. Justice, fair play	A reality	A myth
13. Authority	Dispersed with checks and balances	Centralized, unfettered
14. Church-state relations	Secularized	Religion plays major civic role

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In general, the progress-prone value system is represented in the United States by immigrants from Confucian-culture areas in East Asia, while immigrants from Latin America are predominantly influenced by the progress-resistant Ibero-American culture. Using data mostly from the Center for Immigration Studies (CIS), I focus on the contrast between Chinese and Koreans on the one hand, and Mexicans and El Salvadorans on the other. The data

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require more sophisticated interpretation, but the general picture these statistics paint is sufficiently accurate for our purposes.

In the adjoining table, one can see that East Asians are more entrepreneurial than Latin Americans, a contrast reflected in the substantially higher per-capita incomes in East Asian countries than in Latin American countries. Seventeen percent of Chinese and twenty-four percent of Korean immigrants to the U.S. are self-employed, while only six percent of Mexican and three percent of El Salvadoran immigrants are self-employed. The average for native Americans is twelve percent. To be sure, East Asian immigrants – and American natives – are generally more educated than Latin American immigrants. But a RAND Corporation study of the 1990 census data concluded, "Even if immigrants had completed the same number of years as natives, a significant gap would remain between Mexicans and natives."

Comparison of Performance:
Chinese and Koreans vs Mexicans and El Salvadorans

Category	Chinese	Korean	Mexican	Salvadoran
Self-employment	17%	24%	6%	3%
Bachelor or higher	55%	46%	6%	6%
Less than high sch.	16%	4%	64%	53%
In/near poverty	30%	29%	62%	58%
Welfare use	13%	8%	29%	26%
W/o health insurance	30%	34%	53%	57%
Naturalized (1990)	45%	41%	23%	15%

The Confucian emphasis on education shows clearly in the data: fifty-five percent of Chinese and forty-six percent of Koreans have bachelor or higher degrees. The figure for Mexicans and El Salvadorans is six percent. Sixteen percent of Chinese and four percent of Koreans did not finish high school, compared to sixty-four percent of Mexicans and fifty-three percent of El Salvadorans.

Thirty percent of Chinese immigrants and twenty-nine percent of Korean immigrants are in or near poverty. The figure for Mexicans is sixty-two percent, for El Salvadorans fifty-eight percent.

Thirteen percent of Chinese and eight percent of Koreans use some form of welfare compared to twenty-nine percent of Mexicans and twenty-six percent of El Salvadorans. Thirty percent of Chinese and thirty-four percent of Koreans are without health insurance. The figure for Mexicans is fifty-three percent, for El Salvadorans fifty-seven percent.

The 1990 census data show that forty-five percent of Chinese and forty-one percent of Korean immigrants had naturalized. The figure for Mexicans who had become citizens was twenty-three percent, for El Salvadorans fifteen percent.

The acculturation and upward mobility of the East Asian immigrants is impressive. In education, income, and professional achievement, they substantially exceed national averages; and their trajectory is reminiscent of that of Jewish immigrants. A coincidental example is the disproportionate presence of East Asian musicians in symphony orchestras. I believe that our nation has benefitted from the immigration of the Confucian Asians.

There is a variation in the performance of Latin American immigrants. Those from Cuba and South America, generally better educated, have done better than those from Mexico and Central America. But the Latin American averages for education, income, and professional achievement, dominated by the heavy Mexican component, are well below our national averages.

Conclusion

Where does this leave us? It is unlikely that we will ever again discriminate on the basis of national origin in our immigration policies. This is particularly true with respect to Hispanics, whose numbers will soon exceed those of African-Americans and who are being wooed by both political parties.

The best hope for future immigration patterns that will be more beneficial to our society, and particularly our poorest citizens, many of whom are Hispanic, is an immigration policy along the line of the Jordan Commission recommendations: emphasis on education and skills and a redoubled effort to reduce illegal immigration. ■

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Making Our De Facto National ID Card Work

by David Simcox

On flights taken since the September 11 terrorist attacks, I have been both impressed and discouraged by the thoroughness of the pre-flight inspections of passengers' ID documents. Passengers have had to show a photo ID at three and sometimes four different check points before boarding. The ID of choice for more than eighty-five percent of them was the state driver's license or state ID card. Most impressive was the meticulousness of airline employees in reading the names on the document, usually aloud, and comparing faces to photos.

Discouragement came from seeing so much diligence devoted to what has become our de facto, but deeply defective, national ID card – the driver's license. Few familiar with licensing were shocked that the hijackers had little trouble getting licenses, or that other plotters later detained had obtained commercial drivers' licenses issued under a more demanding federal law, and with them authorization to drive the rolling bombs that hazardous material rigs can become.

Daunting Scope and Disparity

There are lots of reasons why the ID we most depend on is not now up to its task as a basic, multi-use identity document. More than fifty different states and territories issue them, usually through a multiplicity of political subdivisions. More than 4500 offices throughout the U.S. process drivers' licenses. If mobile service units are included, the number approaches 5000. A majority of the states now permit most renewals, replacements, and name changes to be done on-line, by mail, or by telephone.

The scope of the licensing system is mind-numbing. In 2000, there were over 190 million licenses outstanding in the country and an estimated ten million non-driver ID cards. The fifty states and District of Columbia process a total of about fifty-five million new, renewed, or duplicate licenses each year. Often, approval authority is delegated to county clerks of the nation's 3043 counties. In rural areas, many lack the tools, experience, training, time or, often, inclination to assess the welter of birth certificates, out-of-state or foreign licenses, immigration documents, and proofs of state residency applicants submit. Nearly forty states issue licenses "over the counter," allowing no time for careful background checks.

Lenience Pays

As in so many regulatory processes in this country (such as the overseas visa function), it is usually more expedient for officials to approve licenses promptly, not deny them. Longer waiting times necessitated by careful examinations lead to political pressures and complaints from applicants ("the consumers"). Licenses mean revenue for the states and their often cash-strapped counties. Income and customer service have taken priority over the reliability of the product.

Easy issuance of licenses can also mean income for the poorly-paid clerks that staff the licensing offices in many states. Corruption is likely in dealing with such a high-value commodity. An official of the American Association of Motor Vehicle Administrators (AAMVA) remarked that a clerk making $18,000 a year or less can, by "expediting" just one commercial driver's license a month, "earn" $12,000 more a year. In many states, cottage industries of corrupt notaries and lawyers have grown up around major licensing centers, often tied to Department of Motor Vehicles (DMV) employees on the take on the inside.

The unrelenting demand for rapid production can force even the conscientious DMV clerks to cut corners. California in the 1990s mandated

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authentication of social security numbers (SSN) of applicants through the Social Security Administration (SSA). Investigations of California DMV offices in the late 1990s revealed that this step had often been skipped to save time.

Professional immigrant traffickers seek out lenient, venal, or incompetent issuing centers and route their clients to them. Several states no longer require applicants to be residing in the country legally; many states require legal residence in that state but demand no proof. Most states require the SSN from applicants, but a growing number will accept instead a certificate of "non-eligibilty" from SSA. Tennessee now is satisfied with applicants' sworn statements that they have no social security number, waiving the confirmation of non-eligibilty from SSA. As investigations following September 11 revealed, most states readily issue licenses, which can be valid up to eight years, to foreign visitors on tourist or business visas that permit a stay in the United States of only 90 days. In California, home to nearly half of all illegal immigrants, a bill awaiting final approval to facilitate drivers' licenses for illegal aliens was held up by Governor Davis immediately after the September 11 tragedy, but is still under discussion.

Tougher Standards: A Little Late, but Welcome

Since September 11, a number of states have begun to tighten their procedures for issuing licenses to non-citizens. A fairly common remedy is to require non-citizen applicants to seek their licenses at a few designated and specially equipped issuing offices in each state. Other states impose a waiting period, or authorize provisional licenses for only two or three months, before granting the permanent license. A number of states have argued for assignment of special Immigration and Naturalization Service (INS) foreign document experts to each state to examine questionable foreign documents, or, alternatively, a special hotline from the states to INS document forensics for the same purpose. INS has frustrated some state licensing agencies by refusing to confirm by telephone the legal status of foreign applicants. INS claims its hands are tied by privacy legislation.

Led by Florida, some states have moved to limit the validity of the license to the alien's period of authorized stay in the country. A number of state motor vehicle administration (MVA) officials now argue that their agencies not be required to issue licenses at all to many categories of short-term visitors to the United States – a policy already in effect in New Jersey. Administrators note that visitors can use their foreign drivers' licenses as provided in United Nations International Road Safety Conventions. Foreign licenses from signatory countries can be used for up to one year in many U.S. jurisdictions if properly certified and translated.

"Since September 11, a number of states have begun to tighten their procedures for issuing licenses to non-citizens."

Virginia and North Carolina MVAs have made the most publicized turnarounds since 9-11. These two states had become the Meccas of non-citizen license seekers on the east coast. They did not require social security numbers and asked for little proof of state residency. The *Charlotte Observer* reported in November that North Carolina in the previous four years had given drivers' licenses to 388,000 applicants who lacked SSNs. In Virginia, two of the September 11 hijackers got licenses with phony residence affidavits attested by a bribed bystander who was himself an illegal immigrant. The two newly minted "Virginia residents" then used their new licenses to gain licenses for two more hijackers by falsely vouching for their resident status in Virginia.

Far more are harmed by such sloppiness than the issuing states themselves. Drivers' licenses issued in any state, however recklessly, can readily be exchanged for licenses of more demanding states, and often are. These episodes are stunning illustrations of the driver's license's vast power as a breeder document.

Wisconsin has dropped the INS form I-94, a photo-less card given to arriving foreigners, as an acceptable identification document. Other states are

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considering following suit, or will accept the I-94 only as part of a valid foreign passport, duly stamped with a valid U.S. visa and entry confirmation. Other states are reconsidering their acceptance of such insecure, forgery-prone documents as baptismal certificates and voter-registration cards.

It would be comforting but untrue to state that the move toward greater documentary rigor applies to all states. Some are still drifting toward even greater accommodation of immigrants and foreign visitors.

"...[a] forged or fraudulently obtained driver's license facilitates boarding airliners, getting jobs, renting motor vehicles and small aircraft."

Wisconsin and North Carolina are among several states that accept Mexican documents, such as voter ID cards, military service cards, and consular IDs, as proofs of identity. While improvements since September 11 have so far been slow and uneven, many states will have their first opportunity to legislate changes since September 11 when legislatures convene in early 2002.

Diversity and its Many Weaknesses

Despite AAMVA's appeal for more uniformity, the formats, security features, and data elements of state licenses still vary wildly. There is a hodgepodge of mutually incompatible formulas for assigning unique numbers to licenses. While state-assigned numbers can carry much useful data, their variety and complexity reduce their usefulness to untrained examiners, such as airline staffers, and complicate operation of databases.

A survey of the latest (2001) versions of motor vehicle operators' licenses[1] of the twenty-one states with greatest immigrant settlement shows the following:

- None require the SSN on the face of the license; and it is an option in only seven states.
- Unique alphanumeric identifiers vary in length from five characters up to fifteen characters, ranging in type from simple sequential uncoded numbers to coded systems combining Soundex of names, dates of birth, place of issuance, and "check digits."
- Only three states (TN, NV, and NJ) still do not have any machine-readable data storage on their licenses. Ten states have magnetic stripes, and sixteen have bar codes. Eight states' licenses carry both magnetic stripes and bar codes.
- Only six of the twenty-one states have fully digitized the photos, signatures, and fingerprints (if any) on licenses. Only four now include fingerprints. Some forty percent of New Jersey licenses carry no photo at all, though the state is finally moving to make the photo a standard item.
- Anti-copying, anti-alteration features also vary widely: Ten states use holograms. Most have some form of security laminate or special bonding on the card to prevent disassembly. A number are protected by "black light" hidden images or optically variable devices, such as color or visibility changes at varying sight angles. Now used by seven of the states is the secondary or "ghost" photo of the bearer, to discourage photo substitution, usually overlaid with data or an image. California is one of very few to use microprinting on its license. A few states use "portrait" or vertical-format licenses to flag underage drivers.
- Periods of validity can vary widely from state to state from as little as one year to a maximum of eight. The usual original issuance validity is four or five years, but validity of up to ten years is under consideration. Some states require no personal visit for renewals and duplicate licenses.
- Color coding of such variables as license category or driver attributes and conditions is far from uniform among states.

Needed: A Secure License Equal to its Many Responsibilities

September 11 showed the U.S. needs a reliable and secure national ID, and we need it right away. For alien terrorists and criminals, the forged or fraudulently obtained driver's license facilitates boarding airliners, getting jobs, and renting motor

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vehicles and small aircraft. Terrorists in control of hazardous material trucks are a truly monstrous security threat. Licenses also help foreign intruders to buy weapons, open bank accounts and receive money from abroad, enter training programs, and obtain for themselves and others civil documents that support their falsified identities. The heavy political pressures on many states by illegal aliens to grant them licenses underscore the document's status as the preferred national identifier. We can debate the constitutionality of a national ID card, but we already have one in the driver's license. It doesn't work very well, but it is widely enough trusted to be dangerous.

But for all its faults, the driver's license/ID card is our best prospect for upgrading our ID system quickly. The issuing offices, personnel, and much of the data needed for rapid enrollment are already in place. Americans already are conditioned to pay for their licenses and to renew them regularly with updated photos. There are 4500 field offices across the country available to document all Americans. States have the records that will facilitate enrollment of or grandfather in some categories of citizens, such as senior citizens, government officials, and military officers. The new cards could be phased in over time as new licenses, renewals, and replacements are issued. Other options considered for a national ID – such as re-issuance of the social security card as a high-tech, tamper-proof, biometric document – involve fewer supporting networks. They will be costly and slow to install, though worth pursuing as an alternative for the long haul.

Many legislators recognized the vast security role of the driver's license in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act when they mandated consideration of certain uniform standards for state licenses and universal use of the social security number (SSN). While the law was later killed by a coalition of privacy and states-rights interests, now is a good time to reopen the drive.

The lessons of September 11 make it technically and politically feasible for Washington to mandate uniform standards for a machine-readable driver's license, requiring an authenticated SSN (in the file, if not on the license itself), or an alternative coded unique number, digitized personal data, including biometrics, and a central "all-driver" file accessible to all state and federal law-enforcement agencies. It is reasonable to ask that the driver's license also show the citizenship or immigration status of the bearer and any conditions on the alien's presence.

Much of the planning has already been done to move toward greater uniformity. For several years, the AAMVA has had a uniform identification working group and in 1996 released a "Model Program for Uniform Identification." The study has extensive recommendations on every aspect of the licensing process, including biometrics, verification, security, acceptability of documents, electronic data transfer, and record keeping. Uniformity should apply as well to such decisions as alien proof of residency and eligibility for licenses. Since September 11, AAMVA has pledged to work with Homeland Security, the Department of Justice, and other federal authorities in standardizing the licensing process and linking data bases, while leaving issuing authority with the states.

Better ID, Better Government

To be remembered above all is that technological wonders do not repeal the rule of "garbage-in/garbage out." The enrollment of scores of millions in a new secure system will require painstaking scrutiny of documents and applicants and the rapid exchange of information among state and federal agencies to authenticate birth certificates, immigration papers, and other basic but easily falsified breeder documents.

Better identification will have benefits far beyond road safety and border control. The chief of North Carolina's MVA erred when he argued in defense of the state's lax requirements that "the license is about safety, not immigration." The driver's license and state ID card have become instruments of social control in matters that have nothing to do with road safety. States now use the driver's license system to track sex offenders, penalize truancy and drug abuse, identify organ donors, prevent underage drinking, punish child-support deadbeats, and encourage draft and voter registration. Immigration control and national security are no less important national interests.

The states need and deserve federal financial support and leadership in creating and securing a license equal to its many responsibilities. ■

[1] Source: National Notary Association: 2001 ID Checking Guide; State MVA Web Sites.

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P.M. Howard's Boat Came In ...Just in Time

Australia's November 2001 election

Reportage by Denis McCormack

Over a month before September 11, I had booked my ticket back to Melbourne via Egypt from October's "*The Social Contract* Writer's Workshop" in Washington, D.C. and didn't change my plans.

The good news was that all the archaeological and architectural attractions in Egypt were deserted by normal standards, so I was informed, with Tourist Security Police outnumbering tourists at some sites. The bad news was that with tourism down seventy to ninety percent by some estimates, the nation's biggest foreign-currency earner has all but dried up and those dependent on tourism at street level – the swarms of salesmen, touts, sharks, scammers, and commission men – were leaner and keener in focusing their attention on a vastly reduced number of tourists.

As a Westerner I experienced no animosity, though clearly there was no shortage of sympathetic discussion of anyone who would make a point to America about its foreign policy on Middle Eastern affairs. Ahmad Abdullah, psychologist and director of the website Islam-on-line, says:

> *Our people are deeply frustrated by everything in their lives. When you are frustrated you are paralysed, you leave it to others to act, and sometimes applaud, however wrong the act. Emotionally bin Laden did for the people what our local terrorists used to do for them when they were at war with the government. They don't really like the terrorists but they like to see America, the big devil, being hit just like they did their government. But their support for this Islamic Rambo is fading fast. In their hearts, they never really expected him to succeed, so they quickly adjust to his defeat.*[1]

Of their financial losses due to the tourism downturn, all were resigned, and some were philosophical. They'd seen it after the Gulf War broke out in 1990 and again after the massacre of foreign tourists at Luxor in 1997 after which the tourist industry took nearly two years to recover.

Cairo, with seventeen million, plus three million daily commuters, is a tight fit with or without tourists. Cairo is a better-fed, better-plumbed, better-wired, cleaner Calcutta without monsoons. The two cities share the pain, strain, and frustrations associated with ever-expanding populations pushing ahead of adequate infrastructure establishment. Egypt's government does recognize their population problem and devotes resources to public awareness campaigns, which are producing a slowdown in population growth but not fast enough.

Before heading south to Aswan, I filled out a postal vote at the Australian Embassy, since the federal election was still over a week away but I wouldn't be back in Cairo in time. It was the first national election since 1990 in which I wasn't standing for office as an anti-immigration/anti-multiculturalism candidate in the hope of bringing attention to these issues. It was also the first election in which I could confidently predict the winners because of their stand against illegal immigration and the shadow boxing on multiculturalism thereby engendered.

Slumped in the roof garden of my half-star backpacker's hotel, after a dusty day in the Valley of the Kings in Luxor, and courtesy of crackling BBC/CNN TV world service mixed in with the more vocal local calls to prayer, I learned of Prime Minister Howard's November 10 third-term, increased-majority, electoral triumph. It could have been very different.

Only eight months before the election, when all

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the pundits and polls had Howard's conservative coalition dead and buried, a probing op-ed in Melbourne's *Age*, 10 March 2001, by associate editor, Shaun Carney titled "Who is the real John Howard?" analyzed the credibility problems he faced in securing a third term from various segments of the electorate considered to be increasingly disenchanted. Carney rightly states that when Howard became Prime Minister in March, 1996, it was to rid Australia of the Labor government and P.M. Paul:

> *Keating's high-paced embrace of Asia, economic change and those large-scale symbolic social issues, reconciliation, and the republic...and that he would "never ever" introduce a GST* [a Goods and Services Tax which he subsequently did introduce to much popular disclaim in his second term] *for at least 10 years, there has been a solid core of voters unhappy with changes in Australian society. Since as far back as 1991, when an Australians Against Further Immigration candidate* [your correspondent] *secured 6.8 percent at a by-election in the Liberal held Federal seat of Menzies in eastern Melbourne* [the subject of a favorable Australian "Sixty Minutes" story], *what is now known as the Hansonite element has figured in national politics. At a series of by-elections in safe Liberal and Labor seats throughout the early 1990's, AAFI candidates picked up between 6 per cent and 14 per cent. But the emergence of Pauline Hanson during Howard's first term fouled his ability to appeal to this conservative constituency. Since forming One Nation in 1997, Hanson has wrestled this constituency from AAFI, and implicitly Howard – and now she threatens to use it to bring him down. On the economic front, Howard has shown that as Prime Minister he is as much a neo-liberal deregulationist as ever; his disavowal of the GST and the implicit questioning of the effects of globalization before the 1996 election turned out to be window dressing. He didn't mean it, and now in some important respects, Howard finds himself without a sound political base. He cannot give full voice to his innate social conservatism because that would further harm his support in the traditional urban Liberal heartland.*
>
> *He cannot come out and defend his strong commitment to neo-liberal economics and fiscal discipline because that would only give him more grief in the rural and provincial areas and the outer suburbs.*
>
> *Having said various things at various times to win over different segments of the electorate in order to attain power, John Howard seemingly now cannot be the one thing he always said he would be: himself.*[2]

So what happened to turn things around so emphatically to Howard's advantage? Yes, Howard is considered to be a competent branch manager of the internationalized Australian economy – debt reduction, low interest rates, budget surpluses, fireproofing against the Asian economic meltdown, trade surpluses, lower unemployment, introduction of family friendly policies, pork barrelling of young homebuyers, seniors, and rural constituencies – all at a time of looming global economic downturn and with our big trading partners like Japan, Europe and the USA in, and heading into, recession. No doubt the big end of town was pleased, but most of these "positives" for the Howard government were present or emerging before and during its dive in popularity. The voters no longer respond to only bread, circuses and happy spin about the economy, which they suspect is suspect.

The more obvious *mise en scene* was immigration and multiculturalism's decades of dirty washing, finally getting an airing, flapping on the front pages. Yes – that was front-page, frequently, with big, scary headlines and photos: Illegal immigrants rioting and burning detention centers, after having asylum claims rejected; Asian drug lords, people smugglers and money launderers running rings round police, and occasionally apprehended; teenage ethnic gang wars; former Red Army PLA members recruited and imported for Asian drug gang wars in Sydney; conviction of Muslim Lebanese youth gang members in Sydney who were specifically targeting white Anglo-Celtic Australian girls for gang rape, "You deserve it because you're an Australian" (front page headline, *Sydney Daily Telegraph,* 24 August 2001). This last-mentioned multicultural outrage was

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dislodged from the front page in Sydney only by the arrival in Australian waters of the Norwegian freighter, *Tampa*, with its 450 Afghan and Iraqi boatpeople. From 28 August, the *Tampa* boatpeople story, and P.M. Howard's determination not to let them land on Australian shores (his public support on this issue was polled at 70 percent to 90 percent by various organizations) dominated the front pages.

"From 28 August, the Tampa boatpeople story, and P.M. Howard's determination not to let them land on Australian shores, dominated the front pages."

On September 10, in the Melbourne *Age*, Carney had another article, this time outlining the turnaround in Prime Minister Howard's electoral fortunes:

> *On the day of the 1998 election 936, 621 Australians, or 8.3% of the national electorate voted for Pauline Hanson's One Nation Party in the lower house. In the ballot for the Senate, the vote was even higher; 1, 007, 439 voters or 8.99% of the total.*
>
> *Since then One Nation has descended into a strange, conflicted existence as legal challenges and personal acrimony have hacked away at its effectiveness... [Because of] the party's organisational ineptitude, and with Hanson's charismatic glow faded a little,* [3] *much of what might be regarded as the One Nation constituency is likely to be up for grabs at the election.*
>
> *This constituency should, by rights, belong to John Howard. One Nation voters in 1998 were the battlers who got away from Howard. They are unhappy with politics-as-usual, with multiculturalism, with the Asianisation of Australia, with the impact of global forces on the economy, with Aborigines claiming greater rights... when Howard was yet to attain office, the enemies of a cohesive Australian society were within – to wit, within the Labor government and the minority pressure groups that controlled it.*
>
> *Five years on, with Howard holding office and determined to secure another term, the enemies are outside Australia. They are the criminals who want to land untold numbers of illegal immigrants on our shores, and the corrupt Asian officials who allow them passage. They are the illegal immigrants themselves, whom Howard is driven to convince that Australia will no longer be a "soft touch." They are the foreign governments who want to tell Australia what to do, who Howard also said last week made his "blood boil..."*
>
> *Naturally, he aims to win back many more voters than just the One Nation constituency with his stance on asylum seekers, and the early signs are that he is succeeding... His first stint as* [opposition] *leader in the 1980's was cruelled by the response to his call for the pace of Asian immigration to be slowed...*

Carney concludes that Howard looks set to win:

> *if Hanson's devotees decide that, after all, John Howard is an Australian nationalist just like them.*[4]

In the event, One Nation's vote was halved nationally to 4.3 percent at the November 10 election with neither Hanson nor any other One Nation candidate elected to either house of parliament.

The day following Carney's article was September 11 whereafter the terrorist attacks on New York City and Washington D.C. dislodged the *Tampa* boatpeople from the front pages, but only to page two and elsewhere. As it happened, Prime Minister Howard had been in Washington for pomp, ceremony, and talks with President George W. Bush on September 10. Still in D.C. on the morning of September 11, and just about to commence a press conference when word came through about the terrorist attacks, Howard was fated to be perfectly positioned, primed, and timed to declare Australia's sorrow and support for America as the shock of the events began to sink in. In confluence with

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the domestic events in Australia outlined above before September 11, the reality of a "khaki election" campaign in the name of national and global security against terror sealed the fate of Howard's weak, vacillating Labor Party opposition, who belatedly and half-heartedly stood on Howard's side of his line-in-the-sand about stopping the *Tampa*'s boatpeople landing in Australia.

A quote on the issue from the Prime Minister was subsequently used far and wide across media election campaign advertisements under a suitably resolute photo of him: "We will decide who comes into this country, and the circumstances in which they come."

"The public knows that John Howard doesn't like Asianization any more than the majority of them like it. They have given him an electoral mandate to sort it out in the mainstream of politics where it should be – no more diversions, no more delays, and no more name-calling."

And so the election was won on an appeal to common sense and survival instincts, but it could have been very different. What if the *Tampa*, with another freighter or two, skippered by sensitive Scandinavians, steamed for Australia after rescuing not 450 Afghans and Iraqis, but a few thousand ethnic Chinese – a first wave fleeing bloody strife in Indonesia, Malaysia, Southern China, or Taiwan, Cambodia, or Vietnam again? And what if thousands of them, already holding the insurance of Australian passports, were legally streaming through Australian airports to safety at the same time as the ships carrying those without passports were heading our way? With the global and regional predictions for population growth in developing countries, climate change,and environmental decline, together with the socio-political instability generated thereby, who would confidently rule out such future scenarios?[5]

Prime Minister Howard's own seat of Bennelong in Sydney has a recently-arrived and growing ethnic Chinese constituency already capable of shaking him electorally should some circumstance such as the above focus their ethnic empathy toward a particular political outcome. The political class of all persuasions occasionally think about such things given the ethnic "branch stacking" already in evidence in both major parties, but they do not yet dare articulate what these internal party problems mean for the bigger political picture. It's the same polite, tight-lipped, white-knuckle fear and denial that for too long has stifled intellectual discourse in relation to the outcomes of multiculturalism, or what the coming demographic decline from predominance will mean for white Australia's majority culture.

Buried in a larger article on later marriage and lower fertility rates in Australia, the *Melbourne Herald Sun*'s report of 7 June 2001 by Michael Madigan titled, "Migration changes profile of the average Australian," gave a rundown of the latest ABS figures (Australian Bureau of Statistics). Australia's still largely sublimated existential problem was summed up in one single sentence, before the article went on through the numbers: "The latest snapshot of our population reveals the Australian-born Caucasian is a dying breed, replaced by predominantly Asian immigrants and their offspring."[6] John Howard understands how racist, unnecessary, and underhanded this process became under Labor's whole-of-government approach to Asianization for thirteen years prior to 1996, and that this is at the heart of Australia's present uneasiness about the future.

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The Prime Minister and his Immigration Minister, Phillip Ruddock, are Australia's two longest-serving politicians, having entered parliament in 1974 and 1973 respectively, just as immigration was becoming

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the means of enforced multiracialism, and multiculturalism was becoming a bipartisan fashion statement.

On October 11, 2000, Minister Ruddock said:

> *It is an often-repeated fallacy that governments only govern within the context of an electoral cycle. The most cursory glance at policy decisions in many fields including immigration, the environment, health and aged care, retirement income and the labour force, demonstrates that this is simply not true. Many public policy decisions resonate over decades. Indeed, the effect of some only becomes apparent years after they have been taken.*

And it follows that the cumulatively damaging effects of inappropriate immigration policy cannot be undone in a hurry.

So perhaps the *Tampa* episode was the ideal precedent for a loud and non-discriminatory "no," given that the local Afghan/Iraqi community numbers are tiny compared to the burgeoning demographic, financial, and therefore growing political clout of the ethnic Chinese in Australia.

But signs of hope and awakening are everywhere of late, and better late than never! Britain and some European countries are building detention centers, which they are calling reception centers, broadly following the Australian model as Minister Ruddock has recently pointed out. *The Spectator* has an article in its 24 November edition, titled "What Enoch [Powell] was really saying." Malaysia is deporting ten thousand illegal immigrants to Indonesia per month of its estimated five hundred thousand, and has recently had riots and arson in its detention centers. At the recent national elections in Norway, the government was defeated by a coalition of parties calling for tougher laws against asylum seekers and cuts to immigration. Similarly, Denmark's government has been recently defeated by a party promising tough immigration reform. Even Pakistan is thinking hopefully about repatriation of Afghan refugees before too long.

Just after our election here, a few commentators calmly suggested that the time might be right for a rethink on multiculturalism. These suggestions produced a hysterical response from the majority of intellectuals still disoriented and bruised by the strength of Howard's re-election. By late November, however, a new push to expand Australia's population through increased immigration and enhanced diversity was launched by the captains of industry along with all the usual suspects. Among those who chimed in was Steve Bracks, the governing Labor Premier of my home state, Victoria. He called for a substantial increase to the national immigration program [to 200,000 per annum!] and for the acceptance of more asylum seekers to boost economic activity, to enhance diversity, to help care for an aging population, etc., and said that: "the intake had dwindled in recent years to below 80,000 a year." A spokesman for Immigration Minister Ruddock corrected Bracks, saying that the intake at present was the highest for a decade at 105,000. Prime Minister Howard responded by refuting the aging population argument as a reason for increased immigration and warned Bracks about the consequences of attracting many more boatpeople should his do-gooder idea of establishing extra onshore asylum-seeker processing centers in Victoria be construed as a green light for more boats to head for Australia. Within days, the *Melbourne Herald Sun* of 10 December 2001 published the results of its voteline poll: "Should Victoria take the asylum seekers to boost our population?" The answer was a resounding "no,"

"Signs of hope and awakening are everywhere of late, and better late than never! Britain and some European countries are building detention centers, which they are calling reception centers broadly following the Australian model..."

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from 96.7 percent on the same day that another big TV advertising campaign promoting multiculturalism was launched by Brack's Victorian government. Their editorial and letters page follow-up condemning Brack's stupidity were a joy to read.

To sum up, the forces driving the renewed push for increased immigration and multiculturalism demonstrate nothing but contempt for the majority conservative view on these issues. How long can a society remain culturally, administratively, and politically cohesive when such a vast chasm separates such a large cadre of influential managerial elite from majority thinking on matters of such fundamental importance?

The newly re-elected Howard government should welcome the opportunity to again explore the necessity for a "national population policy" – as the pro-immigration forces have termed their new push. There has never been a better time – post-*Tampa*, post-September 11, and post- an election shadow-boxed on immigration and multiculturalism – to recognize, neutralize, and stabilize the problem now that it has the appropriately high profile with public opinion more skeptical than ever on immigration and multiculturalism. The *Australian* of 6 December 2001, in a story by Peter Saunders titled "A clumsy hand is no help, governments are no good at social policy," says:

> *Even multiculturalism reveals the same pattern. Thirty years ago opinion polls found substantial support for further immigration. But then the government abandoned its support for assimilation and integration in favour of multiculturalism... The government's commitment to multiculturalism has therefore ended up creating hostility and the result has been growing public opposition to further immigration.*

So the folks have given Howard another chance to solve their problem. Although there is welcome improvement they, too, must play a more active role in their own salvation than they have to date. And on the topic of a more active role, *The Social Contract* is read in print and online by many more intelligent people across the United States and the rest of the world than it can reach in Australia. If you'd like to encourage Prime Minister Howard and his government further and faster along the path to immigration and multiculturalism reform in this age of globalization and the Internet, why don't you (and your friends) drop him an email at www.pm.gov.au or fax 011-61-2-62734100 (or send a postcard to him at Parliament House, Canberra, ACT. 2600 Australia) in recognition of his efforts so far. Let him know his stand has been significant in world terms, that your communication to him is in itself evidence that he has more support around the world than he can know for his mainstreaming of a usually taboo topic, and that a steady hand in the same direction will hopefully encourage leaders elsewhere to do what must be done. ■

NOTES AND REFERENCES

1. Melbourne *Age*, 6 December 2001 "Egypt's love-hate affair with bin Laden" by David Hirst.

2. Carney has been aware of my work for some years and interviewed me for some background before writing "Who is the real John Howard" and "Our Menzian leader" both of which are quoted herein. The Prime Minister is known to be an avid newspaper reader with the usual keen interest of a national leader to calibrate criticism and commentary aimed in his direction. My hope for Carney's initial article was that it might stimulate some reflection. A well-placed source in Canberra informed me some days later that Carney's piece was considered to be "fair comment" given the ceaselessly superficial and spiteful drivel usually served up about the prime minister on op-ed pages. I've met John Howard twice. The first time was 1 November 1990 when his career was still becalmed in the doldrums because of his sensible 1988 comments critical of Asian immigration levels and multiculturalism. On that occasion I gave him some AAFI (Australians Against Further Immigration) material to consider. The second time we met was on 5 May 1998, late at night, when leaving a Murdoch Press-sponsored big-business pro-big-immigration "Australia Unlimited" conference dinner that, as Prime Minister, he'd been invited to address. I felt obliged to pay dearly to attend the dinner, which turned into a worthwhile investment in the following manner: After renewing the acquaintance and briefly discussing his changed fortunes since last we'd met, I handed the Prime Minister a copy of *The Social Contract*, Volume VIII, Number 2, Winter 1997-98 with the theme "Australia's identity crisis." After a thorough and what appeared to be approving scan of the contents page, he commented that TSC looked like very interesting bedtime reading for that very night, gesturing that he had nothing else with him. I

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wished him happy reading and thanked him for his interest after which we shook hands and went our different ways into the night. Fast forward to late August 2001. I faxed to the Prime Minister's office a copy of my TSC Volume V, Number 2, Winter 1994-95 review of Jean Raspail's *The Camp of the Saints* five minutes after the first late night radio news report of the *Tampa* boatpeople heading for Australia. A day later I had a call from one of the Prime Minister's senior advisors requesting a copy of *The Camp* by express delivery, which I subsequently dispatched. I understand a timely briefing note using the review and the book was prepared for Howard. Immigration Minister Phillip Ruddock did much of the public heavy lifting on the *Tampa* issue for the Prime Minister in a competent fashion. Ruddock and I have been on first name terms for over ten years since he addressed an AAFI meeting in October 1990 at my invitation, where on his own admission he was received in a civil, cordial and informed manner. We have discussed interesting books together more than once. His office acquired for him a copy of Kevin Macdonald's *The Culture of Critique* (Praeger 1998), after I ran my finger down the contents page for him after a public meeting in Melbourne, October 2000. I last saw Ruddock on September 12, 2001, when I gave him a copy of *The Camp*. I gave Shaun Carney a copy on October 12.

3. "Faded a little" is to put it politely. Good taste precludes repeating what some of her erstwhile advisors, candidates, party officials, and supporters quietly mutter about their fallen idol these days, and over the last couple of years for that matter. For background, see TSC Volume VII, Number 2, Winter 96/97 page 101-103 'Being there: the Prime Minister and Pauline' in which I quote Howard's famous 1998 commentary on slowing Asian immigration and his blunt rejection of multiculturalism, and TSC Volume VIII, Number 2, Winter 97/98 in which several articles touch on Hanson. Her authorized biography *Pauline Hanson: The Hanson Phenomenon* by Helen Dodd, 1997, states in the introduction that: "...she can only thank the Australian media for making her the most recognized person in Australia, for giving her such a high profile, and creating the Hanson Phenomenon" (p vii), and in the epilogue, "...the media created the Hanson Phenomenon" (p 210). One off-the-record estimate I heard regarding the value of electronic and print media lavished on Hanson was two billion dollars in two years! Why? One of the more convincing explanations is that in 1996, by anointing with celebrity status this previously unknown, unread, untutored, undisciplined, unpredictable, increasingly egocentric, and autocratic Pauline Hanson as the paragon of Australian nationalism, there was every chance that Howard's conservative coalition would split, the conservative vote would be atomized, Howard would be gone, the left-leaning Labor Party would fall into government by default, and Hanson would disappear having shot both her feet off. Just that scenario nearly happened in 1998 when Howard squeaked back in with slightly less than a national majority vote spread across the right places – a la George W. Bush in 2000.

4. What Carney doesn't say in either of his articles quoted herein is that, although public opinion supported Howard for his comments in 1988, key leftish elements in his own center right party including today's Immigration Minister, Phillip Ruddock, crossed the floor against him, which led to Howard's loss of the Liberal Party leadership and is why he chooses his grounds for a stand on immigration carefully today. Obviously Howard and Ruddock have both learned much since and have years ago patched up their differences. After all, it was primarily their closely coordinated efforts that held the government's collective backbone together through the *Tampa* episode. However, the Prime Minister's adversaries on immigration and multiculturalism within senior levels of his party and its big-business connections probably still constitute a greater threat to him than all the opposition parties put together. Snakes in the grass in your own backyard always pose the most immediate danger.

5. See *Melbourne Herald Sun,* 20 February 2001, "Climate of calamity" by Clare Nullus, reporting on findings of the Intergovernmental Panel on Climate Change. "[In] Asia – high temperatures, drought, floods, and soil degradation will reduce food production in some areas. Rises in the sea level and more intense tropical cyclones will displace millions of people." The political trick will be in having this potential for catastrophe factored into the national public and administrative psyche as a constant for strategic planning and national security without the embarrassment and sensitivity that still inhibits discussion of these nightmare scenarios.

6. *The Australian,* 7 January 2000, "More ingredients stirred into melting pot" by John Kerin who quotes the doyen of demography in Australia, emeritus professor Charles Price, who has been tracking ethnic change in Australia for decades: "In 1947 the share of the population considered Anglo-Celtic was 90 percent. This had fallen to 74.5 percent by 1988, and to 70 percent by 1999. Projections for the future indicate that if recent immigration trends are maintained, the Anglo-Celtic share will fall to 62.2 percent in 2025. Between 1999 and 2025, the share of the population with some Middle Eastern and Asian background will grow from 9 to 19 percent." My conclusion is that Australia's founding Anglo-Celts, on Price's predictions, will fall from absolute majority status about 2050.

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Population Matters

A visit to the slums of the poorest of the poor makes the case

by William B. Dickinson

December is the month for year-enders, those journalistic exercises that try to make sense of mankind's crimes and foibles over the previous twelve months. The consensus will be that 2001 was a slum of a year punctuated by the September 11 "Attack on America" that turned everything on its head. We are trying to parse the illogic of terrorism to figure out where we can go from here with less fear and without the loss of more freedoms, great and small.

Answers are likely to be filtered through the prism of our special interests. Grinding poverty in Third World countries, rapid urbanization, endemic official corruption, the hopelessness felt by legions of youth trying to enter the work force, the rise of religious fundamentalism in the absence of that hope – all these will be seen as contributors to the current global malaise.

I believe that there is a common denominator: overpopulation. In the wake of September 11, this issue has been touched on only in passing in most analyses and dispatches. It's as if poverty, hopelessness, corruption, and fundamentalism existed in isolation from a core cause. We hate statistics, especially those that smack of inevitability. How are we to come to grips with a future that projects a rise in world population from 6.1 billion today to nearly 9 billion in just 49 years? Even worse, what's to be done when ninety percent of that population growth concentrates in poor nations?

A Telling Snapshot

Before addressing the possible solutions, we should look with open eyes at the conditions of the poorest of the poor. I asked TV journalist Mike Beardsley, back from a foundation-sponsored stint in Kenya, to describe the conditions there. Beardsley spent most of the last four years abroad in Eastern Europe and Africa. Still, Nairobi's Kibera Slums, home to one million people who have fled drought and joblessness in the countryside, was special in its horrors.

"We rode a dilapidated mini-bus out from the city center," Beardsley recalls. "We mounted a small rise to get an overlook. The slum stretched out before us, through valleys, up over hills, for miles. Hundreds of thousands of dwellings, mostly mud and wood construction, are built smack up against each other. I did not see a single house that did not have holes in the wall, many patched with rags and discarded pieces of cardboard or newspapers. It was a stunning sight.

"Thousands of dirt walkways meander throughout Kibera, some of them wide enough for two people to walk shoulder to shoulder, but many narrower than that. It's impossible to walk without leaving a cloud of dust. When it rains, the dirt turns into gumbo. Smoke from cooking fires curled into the air. Many families had fires outside. Tons of litter. There is no garbage pickup. Countless plastic bags, rotting remnants of food, cans and broken glass built up into garbage heaps. No running water, no sewage facilities. Ditches reek of human waste. It's not unusual for small fires to spread quickly from house to house. Police fear to enter the slums, so lawlessness and vigilantes rule the day...I have seen many poor slums before in many parts of the world, but the vastness of Kibera and the resigned hopelessness of the people forced to live in such conditions was overwhelming."

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Kibera's daily horrors are duplicated in slums throughout the world, even in nations we associate with economic progress. Why are we surprised at the consequences? As far back as 1986, the Vice President's Task Force on Combating Terrorism pointed out that fully sixty percent of the Third World population was under twenty years of age, and concluded: "These population pressures create a volatile mixture of youthful aspirations that, when coupled with economic and political frustrations, help form a large pool of potential terrorists." Then-Vice President George H. W. Bush, father of our current president, headed the task force.

Werner Fornos, president of the Population Institute, recently described the 1986 report as one of chilling accuracy, and noted: "Consider that at the time that was written, virtually every one of the men who hijacked the four American jetliners on September 11 was in that very age category." Today's score or more of civil wars, ethnic cleansing, resource grabs – call them what you will – are related to demographic destinies propelled by overpopulation.

A New Look at Migration

Terrorism is one way that the population fallout reaches the shores of rich nations. Migration of desperate people is another. In the wake of September 11, Washington professes – shock! shock! – to find that immigration laws have been flouted by those here on student or tourist visas. President Bush on October 29 ordered a crackdown on foreign student visas. "We're going to start asking a lot of questions that heretofore have not been asked," he said.

It's about time. Immigration and Naturalization Service (INS) figures show that some 300,000 foreigners have been issued deportation orders but have simply vanished. Census Bureau statistics suggest that eight million foreigners live illegally in the United States. Even *The New York Times*, which has championed the cause of illegal immigrants year after year, on October 5 endorsed a crackdown "on lax enforcement of the immigration laws, with a sense of urgency." Shame on states such as Tennessee and Michigan that have been routinely issuing drivers' licenses to applicants who are in the country illegally, arguing that it's not the states' job to help enforce national immigration laws.

Migration by those who can afford airfares and the price charged by smugglers will continue to confront rich nations in the years ahead, and on a greater scale. Indonesia has become a major transshipment point for migrants from the Middle East seeking asylum in Australia. During the summer,

"...population pressures create a volatile mixture of youthful aspirations that, when coupled with economic and political frustrations, help form a large pool of potential terrorists." (1986)

Australia felt forced to say it would accept no more refugees. Shiploads were diverted to Pacific island nations like Nauru, where they remain in indefinite limbo. A flood of asylum seekers on October 30 closed the Channel Tunnel to freight traffic for eleven hours after dozens of Afghans, Iranians, and Iraqi or Turkish Kurds broke into a freight yard near Calais and tried to hide on trains bound for Britain. Every year, thousands of asylum seekers try to sneak through the tunnel. Yet these people are only the vanguard of the millions of dispossessed who will press onto rich nations' shores in years to come.

What can we do? Calls are heard for a massive expansion of aid to poor nations. The United States spends only one-tenth of one percent of its gross national product on development assistance. But economic aid will do little to improve the lives of the poor in the long run unless tied to reduced birthrates that match population to resources. Unfortunately, one of President Bush's first acts was to prohibit U.S. aid to UN family-planning programs that allowed abortions.

Some will argue that it is arrogant for the United States to dictate the size of families to other cultures. Let those who so argue go to Kenya and stand on the hill overlooking the Kibera Slums. Let them, at the outset of this new year, look at the growing anarchy and deny that population matters. ■

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Immigration and the 'Culture War'

The Conservative View

by Carl Horowitz

By any reasonable expectation, the Islamic fundamentalist holocaust of September 11, 2001, should have triggered a reassessment of U.S. immigration policy as a whole, and not simply its terrorism-related aspects. Egalitarian liberals and their favored institution, the Democratic Party, true to form, have been unable to draw a connection between mass immigration and mass murder. More to one's dismay, neither have most mainstream conservatives and libertarians. They, like liberals, have grown comfortable with the consequences of the lifting of national-origin quotas back in 1965. How this state of affairs came to be underscores not simply the Right's weaknesses on the immigration issue but its grand vision for the nation as well.

The mainstream conservative view – propagated by the *Wall Street Journal* and the American Enterprise Institute, among other opinion leaders – is that mass immigration, on balance, has been highly favorable to American interests, and that current levels ought to be retained if not expanded. The Right continues to place an extraordinary faith in the assimilationist model of immigration which holds that America has a nearly inexhaustible capacity to absorb newcomers and inculcate them with an American identity. But as their traditionalist streak would have it, these enthusiasts also have thrown a new curve in the past decade. The inevitable problems associated with the process of Americanization, they argue, pale in significance before the consequences of a steady moral and cultural decline in the U.S. that began in earnest during the 1960s. Many on the Right see the issue implicitly as "uncorrupted immigrants vs. corrupted Americans."

This is an odd notion, but it has understandable roots in the Cold War. Taking in refugees from Communist countries, whether from Poland, Cuba, or Vietnam, was a noble undertaking. These were, after all, people who hungered for liberty in their native countries and, unable to find it, came here. Conservatives viewed such asylum seekers as having lessons to teach us, as having the ability restore our frayed patriotic bonds. In a real sense, Rev. Sun Myung Moon was the ultimate Cold Warrior immigrant, a South Korean anti-Communist and a voice in the modern moral wilderness. His Unification Church theology elevated families – his own, in particular – to supreme significance.

With the collapse of the Soviet empire, conservatives far from abandoned this idea. Indeed, many came to view immigrants, and not just from formerly Communist countries, as providing economic and moral capital to a nation whose supply of the latter was dwindling rapidly. Immigrants still seek to develop an American identity, the Right argued. They still seek to master the English language, learn our nation's history, work hard, own property, and develop sound personal habits and hygiene.

But in recent decades, immigrants have faced an obstacle to assimilation unknown to previous generations of newcomers: the decay of the culture into which they are assimilating. Today's America, ever slouching toward Gomorrah, is an America of high crime rates, drug abuse, sexual recklessness, declining educational standards, family breakdown, and vulgar entertainment. The 1965 immigration amendments did not set these trends in motion. A homegrown adversarial force – the counterculture – did. Thus, rather than scapegoat immigrants, policymakers and the general public instead

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should wage a culture war against moral "polluters" operating out of New York, Hollywood, and other chic locales. Today's Latin American and Asian immigrants need all the encouragement they can get to ward off Marilyn Manson and Oliver Stone – or so the argument goes.

Mainstream conservatives don't simply exonerate immigrants from contributing to decay; *they exalt them as the antidote to it*. Embodying such virtues as close family ties, thrift, sobriety and religious piety, immigrants are "natural conservatives," standing as a rebuke to the pornography and heavy metal-besotted native-born population. In the long run, mass immigration is good principle and strategy. Inoculating first-generation immigrants from the depredations of the counterculture would ensure the second and successive generations will take pride in being American, and create a ballot-box revolution that would undo the legacy of the 60s. The Republican Party should look abroad for future votes.

Who Are These Conservatives Anyway?

Traditionalists who propagate this view are legion. One is political theorist Francis Fukuyama. Fresh from publication of his heralded book, *The End of History and the Last Man*,[1] Fukuyama, in the May 1993 issue of *Commentary*, argued, *contra* Pat Buchanan, that while America's culture war was indeed real, the enemy lay within:[2]

> *Those who fear Third World immigration as a threat to Anglo-American values do not seem to have noticed what the real sources of cultural breakdown have been....(T)he ideological assault on traditional family values – the sexual revolution; feminism and the delegitimization of the male-dominated household; the celebration of alternative lifestyles; attempts ruthlessly to secularize all aspects of American public life; the acceptance of no-fault divorce and the consequent rise of single-parent households – was not the creation of recently arrived Chicano agricultural workers or Haitian boat people, much less of Chinese or Korean immigrants. They originated right in the heart of America's white, Anglo-Saxon community. The "Hollywood elite" who create the now-celebrated Murphy Brown, much like the establishment of "media elite" that Republicans enjoy attacking, do not represent either the values or the interests of most recent Third World immigrants.*

Fukuyama worried not about the corruption of our own predominant culture by Third World immigrants, but vice versa. "In the upcoming block-by-block cultural war," he concluded, "the enemy will not speak Spanish or have a brown skin. In Pogo's words, 'He is us.'"[3]

"Mainstream conservatives don't simply exonerate immigrants from contributing to decay; they exalt them as the antidote to it."

Such ruminations also could be found in *Commentary*'s fiftieth-anniversary issue of November 1995, which featured a symposium, "The National Prospect." At least a few of the more than seventy contributors worried that immigrants might not want to become Americans. Zbigniew Brzezinski denounced today's "style-setting culture," with its catering to base consumer instincts and manufacturing of empty celebrities. Such a culture turns immigrants away from sharing in a national vision. Dinesh D'Souza and Gertrude Himmelfarb each explicitly exempted immigrants from moral opprobrium, pointing their finger instead at the counterculture's successful packaging of anti-bourgeois animosity as personal liberation.

Given that immigrants, for now, lack the numbers to outvote spiritual and cultural decay, conservatives lately have been imagining ways to rewrite the law. Jeffrey Kuhner, deputy editorial page editor of the *Washington Times*, argued Puerto Rico should be admitted as the nation's fifty-first state. Far from creating a Quebec-style separatist cauldron, Puerto Rico would be more like a Catholic Hawaii:[4]

> *Although the island's residents tend to favor statism and lavish entitlement programs, they are also deeply Catholic and socially conservative.*

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This renders them receptive to the Republicans' messages on abortion, family values and homosexual marriage. In fact, Puerto Rican statehood can help buttress the GOP against the onslaught of the forces of social liberalism, which have defeated the Republican Party on every cultural front for the past decade.

Conservatives also would amend the Constitution to hasten the immigrant-virtue revolution. John J. Miller, writing in the August 6, 2001, issue of *National Review*, called for scrapping the clause in Article II, Section 1, banning the foreign-born from serving as President.[5] "An immigrant president," wrote Miller, "most likely would embrace the United States with the fervor of a convert – a flag-waving nationalist whose public displays of love for country would match Joe Lieberman talking about his faith. People would start rolling their eyes by the third pledge of allegiance in every stump speech." Miller believes such a move would yield massive political dividends for Republicans. "America's twenty-seven million immigrants – roughly a third of them citizens – would look up to Bush with a new appreciation," he noted.[6] Taking such logic to its conclusion, conservatives should put the other two-thirds on the fast track to citizenship and completely open our borders to accommodate tens of millions more future "conservative" voters (and not a few insufferably maudlin foreign-born presidential candidates).

"Some pro-immigration conservatives actually see Muslims, an estimated four-fifths of whom were born abroad, as GOP political gold."

Some pro-immigration conservatives actually see Muslims, an estimated four-fifths of whom were born abroad,[7] as GOP political gold. Washington activist Grover Norquist, writing in the June 2001 issue of *The American Spectator*, argued Muslims are "natural conservatives," so much so that George W. Bush owed his margin of presidential victory to them.[8] Norquist referred to an exit poll conducted by the Tampa Bay Islamic Center showing Bush got 88 percent of Florida's Muslim vote, compared to 4 percent for Al Gore and 8 percent for Ralph Nader. Norquist also cited surveys showing most Muslims support school choice and would ban most abortion. As the large increase in the number of American Muslims has been due to "high immigration and relatively large families," one need not guess too hard as to where Norquist stands on controlling immigration from Islamic countries.

The *Spectator* might not want to be reminded of the fact that its December 1993 issue ran a fawning profile of a Southern California Muslim grammar school by conservative author Edward Norden.[9] Noticing how well-behaved these students were, Norden snidely noted that by the time they finish sixth-grade and transfer to public schools, "Madonna won't distract them." Norden also approvingly quoted Dr. Hassan Hathout, a physician and frequent lecturer at the school. In language eerily reminiscent of Sun Myung Moon's 1976 Yankee Stadium speech, Dr. Hathout addressed a school gathering in the following manner: "We want the children of the Americans to be clean and pure. The sickness from which America suffers has its cure in the pharmacy of Islam and we as Moslems should make this known – come and take your medicine!" This is the true voice of pro-immigration conservatism as well as of Islamic fundamentalism.

Was America to Blame for September 11? Some Conservatives Think So

The idea of the uncorrupted immigrant (and its corollary, the uncorrupted visa holder) ought to have been dealt a mortal blow in the wake of the World Trade Center and Pentagon massacres. Yet remarkably, any number of traditionalists make the point that America "provoked" the terrorists by exporting its culture. The best-known case of this syndrome was the Jerry Falwell-Pat Robertson tag-team commentary on the latter's *700 Club* TV program on September 13. Having removed God from the public square, Robertson argued, we brought this course of events upon ourselves. "God Almighty," he said, "is lifting his protection from us." Falwell echoed this line. Tearing into abortionists, feminists, pagans, gays and the ACLU, he concluded,

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"What we saw Tuesday...could be miniscule if, in fact, God continues to lift the curtain and allows the enemies of America to give us probably what we deserve."

Minus overt theological references, columnist and former *National Review* publisher William Rusher harped on the same theme. He noted, "Muslims are fiercely proud of their religion, which they regard as infinitely superior to the materialistic, libertine ways of the West....[W]e must admit that many aspects of American culture – the widespread pornography and the popularity of drugs, to mention only two – are far from edifying."[10] Pat Buchanan, hardly an immigration enthusiast let alone a Muslim, listed several reasons, all justifiable, as to why radical Muslims hate us. Here's one of them: "We pollute their culture and countries with drugs, alcohol, abortions, blasphemous books, filthy magazines, dirty movies and hellish music that capture and corrupt their young."[11] Philip Lawler, editor of *Catholic World Report*, saw things much the same way. Denouncing modern America as "a stream of secularism and materialism," he noted, "If we are honest with ourselves, American Christians must recognize that there is some merit in the Islamic critique of our culture."[12]

Anthony LoBaido, a columnist for *World Net Daily*, took this self-flagellation perhaps to its nuttiest extreme. Concurring with the terrorists that contemporary America is the Great Satan, he observed, apparently without tongue in cheek, that New York must be its capital. "All that is evil in the world can be found in New York: MTV, the United Nations, the U.N. abortion programs, the Council on Foreign Relations, New Age Church of St. John the Divine, Wall Street greed, Madison Avenue manipulation and of course more confirmed AIDS cases than the rest of America combined....Are we innocent with our porno, filthy Jay Leno monologues, our idolatry, materialism and consumerism?"[13]

It is difficult to distinguish any of these commentators from the terrorists' own rantings. The head of the Taliban, Mullah Mohammed Omar, had railed against "filthy and ugly Western cultures" which, among other things, "allow women to be dishonored."[14]

Now citing these remarks might seem to distort the overall context of immigration debate. After all, many more immigrants in the U.S. are from Latin American and East Asian countries than from Middle East Islamic ones. What is central here is the spectacle of American conservatives viewing foreigners, even murderously anti-American foreigners, as wholesome traditionalists properly disgusted over America's moral condition. Had the terrorist attacks of September 11 been inflicted by deeply religious Colombians or Vietnamese, cranks such as LoBaido or Lawler would have rationalized them with exactly the same language.

Immigrants as a Counterculture

If conservatives were attuned to sound principles and their own interests, they would cease to view foreigners as moral rejuvenators. Consider three recent reports published by the Center for Immigration Studies (CIS). In one, Steven Camarota, the center's research director, using data from the Census Bureau's current population survey, estimated the proportion of immigrant households using means-tested anti-poverty programs now ranges anywhere from thirty to fifty percent higher than usage levels among the native-born.[15] The proportion of immigrants age 21 or over lacking a high school diploma is 33.1 percent; among Mexican arrivals the figure is an alarming 65.5 percent. By contrast, only 13.2 percent of the native-born had less than 12 years of schooling. The old virtues of self-reliance and deferral of self-gratification are well and alive, but such figures suggest persons other than immigrants are carrying the torch.

"If conservatives were attuned to sound principles and their own interests, they would cease to view foreigners as moral rejuvenators."

Immigrants also produce their share of sociopaths, a share likely proportionately larger than that of the native-born population. In a CIS report issued this past April, I raised several reasons, supported by empirical evidence, why immigrant crime has gone substantially underreported.[16] For example: Ethnic crime networks, local or international, can be as sophisticated as they are ruthless, and thus difficult to penetrate; immigrants from

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the Third World tend to brush off domestic violence and even slavery as "family matters" not requiring police intervention; and FBI crime reports rely on data furnished by state and local law enforcement agencies, which typically do not break crimes down according to whether committed by immigrants or by the native-born.

Those conservatives who equate immigration with family values, and hence project broad immigrant support for the Republican Party, would do well to consult another CIS paper by University of Maryland political scientists James Gimpel and Karen Kaufmann.[17] The study details why the GOP's full-throttle Hispanic outreach efforts are likely to backfire. Hispanic citizens almost across the board prefer Democrats by wide margins, and even the lone exception, Cubans, prefer the GOP less than convincingly. George W. Bush would have won Florida in a cakewalk if the Miami-Dade County Cuban ethnic vote were as conservative as its reputation would have it.

The assertion that immigrants, legal or otherwise, are the cure for America's putative cultural decay is difficult, if not impossible, to support. Aside from being less conservative in their political views than their admirers on the Right imagine,[18] the conservatism of immigrants, particularly from the Islamic world, manifests itself *outside* an American context. In a recent survey of Los Angeles County Muslims, Kambiz GhaneaBasiri, a fellow at Harvard's Center for the Study of World Religions, found that "a significant number of Muslims, particularly immigrant Muslims, do not have close ties or loyalty to the United States." He reported that four in five Islamic immigrants felt more allegiance to a foreign country than to the U.S.[19] An anti-American who promotes family values is still an anti-American.

Lest one believe that the younger generation isn't absorbing anti-Americanism from its elders, consider the views of students at an Islamic school in wealthy suburban Potomac, Md., in the wake of September 11. Here's how one student, an eighth-grader named Ibrahim, put it to a *Washington Post* reporter: "If I had to choose sides, I'd stay with being Muslim. Being an American means nothing to me. I'm not even proud of telling my cousins in Pakistan that I'm American."[20] The utter lack of attachment of immigrants to a destination country, whatever their own origins, is fast becoming a worldwide phenomenon. The ideal of assimilation is difficult to sustain in an era of free trade, high technology and volatile ethnic and religious minorities. Australian sociologists Stephen Castles and Alastair Davidson rightly point out that despite the massive obstacles modern nations have in enforcing the mutually reinforcing goals of exclusion and assimilation, "many people in western countries cling to the idea that immigration will not bring about major changes in their societies."[21]

Conservatives in this country are clinging to a fantasy if they believe mass immigration, especially among groups prone to anti-Americanism, will not revolutionize America. It can and, if unchecked, it will. Our homegrown "counterculture" is not the problem. Henry Rollins, Woody Allen, Hugh Hefner and Madonna, contrary to what *Commentary*-style culture-war pugilists believe, do not pose a threat to our nation's survival. But youngsters such as Ibrahim – and their parents – do. Immigration policy must be revised to discourage, rather than encourage, such people from coming, and remaining, here. ■

NOTES

1. Francis Fukuyama, *The End of History and the Last Man*, New York: Free Press, 1992.

2. Francis Fukuyama, "Immigrants and Family Values," *Commentary*, May, 1993, pp. 29-30.

3. *Ibid.*, p. 32.

4. Jeffrey T. Kuhner, "Puerto Rico, 51st State?" *Washington Times*, June 21, 2001.

5. John J. Miller, "Immigrants for President," *National Review*, August 6, 2001. Pp. 22-24.

6. The true pool of the "conservative" foreign-born exceeds even Miller's figure. The Census Bureau not long after his article appeared, issued a report estimating the total number of the U.S. foreign-born, as of 2000, at roughly thirty-one million. About 8.7 million were not here legally. See D'Vera Cohn, "Illegal Immigrant Total Is Raised," *Washington Post*, October 25, 2001; August Gribbin, "8 Million Illegals Reported in U.S.," *Washington Times*, September 27, 2001. The four-fifths estimate is based on a 2000 survey by the American Muslim Council. Witham's article also cited an ominous statistic furnished by the Congressional Research Service in 1994: a third of the funding for radical Muslim groups abroad comes from the U.S.

8. Grover Norquist, "Natural Conservatives," *The American Spectator*, June 2001, pp. 18-19. The terrorist attacks of September 11 did nothing to dislodge Norquist from his position. If anything, he visibly aligned himself with Islamic organizations in the U.S. with clear sympathies for Mideast

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terrorists, a stance that has alarmed even some of Norquist's longtime conservative movement allies. See Franklin Foer, "Fevered Pitch," *The New Republic*, November 12, 2001, pp. 22-24.

9. Edward Norden, "Allah in L.A.," *The American Spectator*, December 1993, pp. 38-41.

10. William Rusher, "Why They Hate the U.S.A.," *Washington Times*, October 11, 2001.

11. Pat Buchanan, "Into the Big Muddy – Again?," Creators Syndicate, reprinted as http://www.supplysideinvestor.com/showarticles.asp?articleid=1681.

12. Philip F. Lawler, "The Looming Showdown," http://www.catholic.net/rcc/Periodicals/Igpress/2001-10/essay.html.

13. www.worldnetdaily.com, September 13, 2001, quoted in *The New Republic*, Notebook, October 8, 2001, p. 11.

14. Quoted in Cathy Young, "Liberty's Paradoxes," *Reason*, December 2001, p.27.

15. Steven A. Camarota, *Immigrants in the United States – 2000: A Snapshot of America's Foreign-Born Population*, Washington, D.C.: Center for Immigration Studies, January 2001.

16. Carl F. Horowitz, *An Examination of U.S. Immigration Policy and Serious Crime*, Washington, D.C.: Center for Immigration Studies, April 2001.

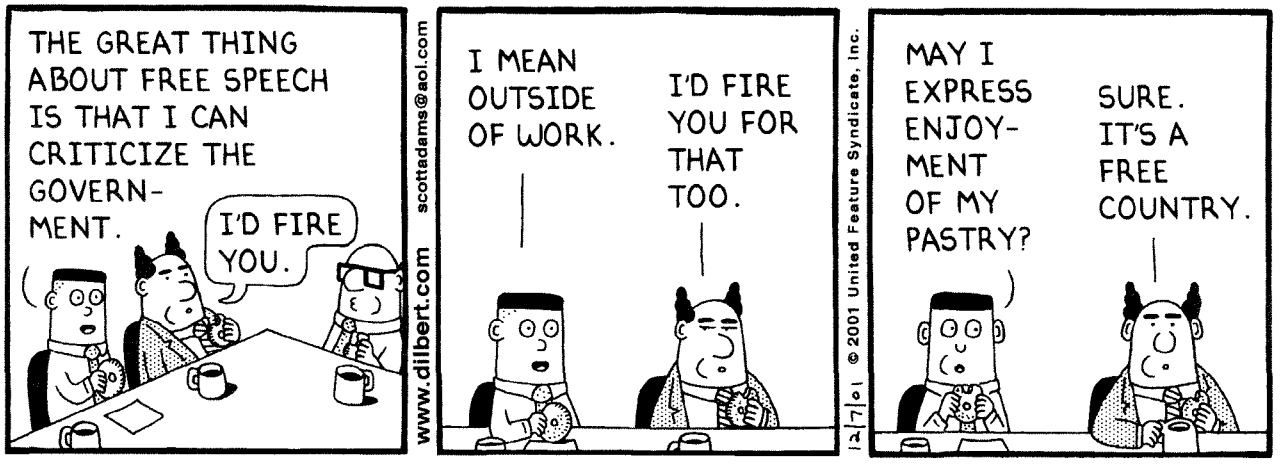
17. James G. Gimpel and Karen Kaufmann, *Impossible Dream or Distant Reality? Republican Efforts to Attract Latino Voters*, Washington, D.C.: Center for Immigration Studies, August 2001.

18. Though some seventy percent of Hispanics in the U.S. are Roman Catholic, they tend to show far more interest in health care, unemployment, and other economic policy issues (and from a welfare-state Democrat standpoint) than in abortion, stem-cell research, and other major concerns of Catholic social conservatives. See Howard Fineman and Arian Campo-Flores, "*Como Se Dice* 'Realignment'?," *Newsweek*, August 6, 2001, p. 30.

19. Cited in Lance T. Izumi, "December 7th, September 11th and Immigration Assimilation," www.vdare.com, October 18, 2001.

20. Quoted in Marc Fisher, "Muslim Students Weigh Questions of Allegiance," *Washington Post*, October 16, 2001.

21. Stephen Castles and Alastair Davidson, *Citizenship and Migration: Globalization and the Politics of Belonging*, New York: Routledge, 2000, p. 61.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Destined to Stabilize?

Book Review by Anne Manetas

Until we get the good sense to diversify away from petroleum, we are going to have a major stake in assuring access to it.
– former U.S. diplomat Lindsey Grant
in "Why do the terrorists hate us?"
The Social Contract, Vol. XII, No.1

In *GeoDestinies*, petroleum geologist Walter Youngquist provides a multidisciplinary look at the fates imposed on nations and peoples by the distribution of Earth's resources (geodestinies). Youngquist's survey includes examples of the way in which minerals have played a role in the rise and fall of nations and peoples from the Stone Age to the Iron Age, and suggests that mineral resources have been at the heart of most world events from the expansion of the Roman Empire in search of gold and silver to the Japanese attack on Pearl Harbor in order to seize control of oil fields in the Dutch East Indies. The need for foreign sources of energy continues to shape world events today, as no industrialized nation is currently self-sufficient in its energy needs. The fate of all industrialized nations is determined in part by their geodestiny.

GeoDestinies: The inevitable control of Earth resources over nations and individuals
by Walter Youngquist
Portland, OR: National Book Co.
500 pages, $29.95

The U.S. has had the good fortune to inherit a vast and varied reservoir of mineral and energy resources. Its rise as the most powerful and affluent nation on Earth has been directly related to this inheritance. Paramount among our national energy resources is oil, the lifeblood of our current industrialized, mega-consuming society.

Since the discovery of oil in Pennsylvania in 1859, this energy source has literally fueled the U.S. in its rise to power. But our resource base is finite (as is the world's), and we have already started down the other side of the oil production curve. In 1970, U.S. domestic oil production peaked. Our ensuing reliance on foreign oil culminated in 1994 when the United States began to import more oil than it produces domestically. These two dates (1970 and 1994) are profoundly important in U.S. history, because they sealed our fate as forever dependent on foreign oil. For this reason, U.S. foreign policy is now dominated by our reliance on foreign oil. It is worth noting that during this same period of time the U.S. went from being the largest creditor nation to the largest debtor nation in the world – the move to debtor status integrally linked to our increasing dependence on foreign oil.

Some have suggested that further exploration and drilling in the United States would move the U.S. back to being a net producer of oil. Youngquist addresses this by noting that the U.S. is the most thoroughly drilled and oil-explored nation in the world, with 77 percent of domestic wells now "stripper wells" producing less than 10 barrels of oil a day. The only possible source of significant oil reserves (maybe 3.2 billion barrels) in the U.S. now lies in less than one percent of the currently restricted 19 million acres of the Arctic National Wildlife Refuge (ANWR) in Alaska.

While Youngquist does not explicitly come out in favor of drilling in ANWR, some environmentalists will likely take issue with his implied suggestion that ANWR be opened to drilling. Yet he is compelling in reminding the reader that the environmental costs of drilling in ANWR may not be as high as expected and that the oil will invariably come from somewhere. If not ANWR, then where? The Middle East where American lives have been risked to secure oil? The ocean floor that is more environmentally sensitive than ANWR and is home to certain endangered species? Youngquist reminds us that there are environmental costs involved in *any* form of energy production; it is just a matter of where the toll will be paid.

The ban on offshore drilling off of most of California's coastline offers another example of the way

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in which restricting land from mineral production does not obviate the need for the resources. California's oil needs just have to be supplied with oil from other places, notably Alaska. With regard to this "not in my backyard (NIMBY)" attitude Youngquist writes, "If the environmental movement is to be morally honest about these matters, it should recognize that by locking up domestic resources from development, the problem does not disappear."

Recognizing that world oil reserves will not meet our energy needs forever, some have placed great faith in the search for alternative energy sources. The author explores various alternatives, both renewable and non-renewable. His detailed consideration of alternative energy sources ranging from oil shale (which interestingly contains neither oil nor shale) to nuclear power offers an exhaustive list of potential and possible alternative energy sources, all of which have one or more drawbacks. In the case of ethanol, widely touted as a non-polluting renewable alternative to gasoline, less energy is recovered than it takes to produce the ethanol – a net energy loss! Youngquist's analysis makes it clear that while the search for alternative fuel sources must go on, right now, no alternative energy source rivals oil.

With only five percent of the world's population, the U.S. uses almost one-third of the world's annual energy supplies and is the largest oil consumer in the world. As Youngquist so clearly demonstrates, it is almost unimaginable that the U.S. will ever again be self-sufficient in oil production, its fate as a foreign-oil dependent nation forever sealed by dwindling reserves and a voracious appetite for oil fueled by a growing population.

That growing population presents the biggest challenge to the U.S. in meeting its energy needs. The current high standard of living in the U.S. is a direct result of the 18 million barrels of oil consumed each day. As long as U.S. population growth continues, it will be increasingly difficult to maintain this standard of living and no amount of conservation will overcome the problems presented by an ever-increasing population. (Youngquist makes the point that neither efficiency nor conservation are forms of energy, and the benefits of both are currently being cancelled out by the increased demands of a growing population.)

According to the United Nations *State of the World 2001* report, the United States is the only industrialized nation expected to experience significant population growth in the next 25 years. Almost all other growth is projected to occur in developing countries. Youngquist reminds us that "worldwide, the choice is for more people and a corresponding exponential growth in the use of resources." It is worth noting, however, that this is not the choice of the American people. Author Roy Beck has emphasized that the American people made the choice for a stable population through their move to replacement-level fertility rates. It is Congress who is now forcing population growth on the American people via mass immigration.

Virtually porous borders and record high levels of legal immigration have set the U.S. on a course to hit 400 million by 2050. Unless Congress acts to lower immigration, this growth will pose major challenges as the country tries to maintain a high standard of living based on the availability of mineral resources (a standard that is one of the main attractions to the approximately one million legal and 800,000 illegal immigrants who settle in the U.S. each year). Youngquist argues: "A nation which does not control its borders loses its sovereignty and control of its economic future."

What does this mean for the future? We are already living with the repercussions of U.S. dependence on foreign oil. Our national debt and imbalance of foreign trade speak to the loss of economic control we have suffered as a result of our reliance on foreign oil. U.S. policies aimed at securing oil in the Middle East have fanned the flames of anti-American sentiment and religious fanaticism that exploded when the first plane hit the first tower on September 11.

World oil production is expected to peak in 2010 – 8 short years away. Youngquist cautions us that the date we actually run out of oil is not as important as the date when production begins to decline. What matters now is how we choose to prepare for the fate that will ultimately be imposed on us by the earth's resources. Will we choose to stabilize our population? Are we willing to make the lifestyle changes that will be required to move to alternative energy sources? Youngquist, by no means a doomsayer, offers a source of optimism for the future. He assures us that the ultimate resource available to us is the creativity and intellect of the human mind. Whether we will choose to use this resource to adapt to our pending fate remains to be seen. ■

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World Oil Supply

A wake-up call to face the finitude of the resource

Book Review by Walter Youngquist

Oil is a finite substance, and the peak of world oil production is near, to be followed by an irreversible decline. This is the message brought by petroleum geologist and professor Kenneth Deffeyes. Today oil prices, adjusted for inflation, are nearly as low as they have ever been, so it is difficult to convince the public that change is directly ahead. But Deffeyes has marshaled important data to make the point in *Hubbert's Peak: The Impending World Oil Shortage.*

Hubbert's Peak: The Impending World Oil Shortage
by Kenneth S. Deffeyes
Princeton, NJ: Princeton University Press
208 pages, $24.95

The title of this volume derives from the work of geologist M. King Hubbert who, in 1956, predicted that U. S. oil production would peak in the early 1970s. Hubbert was widely criticized at the time because the U.S. then enjoyed rapidly increasing oil production, and as late as 1950 still produced more than half the world's oil. But Hubbert was right; production peaked in 1970. The top of the bell-shaped curve Hubbert had created to project U.S. oil production became known as Hubbert's Peak.

The first portion of the book is a review of current world oil supply providing a concise background for the message to follow. The mid-portion of the book details the origin of oil, exploration methods, types of reservoirs and traps, drilling and well logging methods, a statistical approach to oil field discovery, and the history and facts of oil field production. This is good information, and readers will learn much about the basics of the geology and production of oil. The details given in this section validate the important conclusion of the book.

The end of this mid-section concludes that the data presented "give a peak production year of 2003 and a total eventual recovery of 2.12 trillion barrels." Deffeyes qualifies this by saying he does not have an opinion as to the exact date, suggesting it may be as late as 2009. Significantly, he says: "This much is certain: no initiative put in place starting today can have a substantial effect on the peak production year. No Caspian Sea exploration, no drilling in the South China Sea, no SUV replacements, no renewable energy projects can be brought on at a sufficient rate to avoid a bidding war for the remaining oil."

The last section discusses the future of fossil fuels as well as the prospects and limitations of alternative energy sources. The author believes neither solar nor wind power is an immediate large-scale solution to the energy problem. He makes the comparison that a normal-sized nuclear plant produces 1000 megawatts of electric power, whereas at typical efficiencies, a solar or wind project would have to occupy five square miles to deliver 1000 megawatts. He notes that "I can direct you to any of several Nevada basins where you can get the five square miles; your problem is the capital cost of paving five square miles with solar collectors." Other energy alternatives also have limitations which will preclude them from completely

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filling the gap left by the depletion of oil.

Hopefully this concise volume will serve as a heeded wakeup call to what is clearly going to be an oil supply crisis in the near future. Unlike previous oil crises (1973, 1978), it will not be a temporary politically-based interruption, but a permanent genuine decline in supply, which cannot effectively be mitigated by turning to other energy supplies in time to avoid an energy crisis.

Hubbert's Peak convincingly shows that oil is a limited resource and that most people living today will see the peak of world oil production. However, in nearly all discussions of energy and other natural resources (including this one), there is one vital element overlooked. That is the matter of population and population growth. Neither the energy problem nor other resource scarcity issues can ever be finally solved if we are aiming at a moving target, population growth. When we have to depend entirely on renewable energy resources, then the matter of population will become critical.

Solar energy is commonly considered an infinite energy source (read also wind). It will last for eons, but only so much reaches the earth each day at a given place. It is not infinite, it is definitely limited. Any sustainable energy and other resource discussions must be framed in the context of some fixed population size. It must be faced. *Hubbert's Peak* would be strengthened by inclusion of the topic of population as it relates ultimately to a sustainable economy; but even absent that aspect, this book is important, timely, and convincing reading. ■

Will Nature Bat Last?

Book Review by John F. Rohe

"The Earth is not part of the Human Story, the human story is part of the Earth Story."
– Thomas Berry, Harvard seminar on environmental values, April 9, 1996.

His career started as a farmer. The *Washington Post* now calls him "one of the world's most influential thinkers." The *Telegraph* of Calcutta recognizes him as the "Guru of the environmental movement." He has received twenty-two honorary degrees and has authored or coauthored forty-seven books.

Since 1974, when he founded the World Watch Institute, his finger has been on the pulse of the planet's health. In the course of monitoring and reporting on groundwater depletion, soil erosion, global warming, population, migration, toxic emissions, biodiversity losses, and collapsed marine biology, Lester R. Brown has become known as a no-nonsense numbers cruncher. His statistics have conferred legitimacy upon Yogi Berra's maxim: "Nature bats last."

Eco-Economy: Building an Economy for the Earth

by Lester R. Brown
New York: W. W. Norton & Co.
333 pages, $28.00 hardcover, $15.95 paperback, or download free of charge from the Earth Policy Institute website: <www.earth-policy.org>.

Realistic but dreaded statistics appeared in Brown's annual State of the World Reports (starting in 1984) and Vital Signs (starting in 1992). Nevertheless, an optimistic side still lurks beneath Brown's acquired sensitivity to degraded natural systems. His views of an "eco-economy" are as revolutionary as the Copernican challenge of 1543.

Our aggressive consumption conspires with teeming population pressure against global life-support systems. Natural resources are dismantled, manipulated, and soon relegated to a landfill. Disposable cities even follow last year's Christmas gifts in a solid waste stream. Few will question the need for a transition to sustainability. But how?

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Brown founded the Earth Policy Institute (EPI) in May, 2001. With the transition from the World Watch Institute, he moves from scooping nature's news to shaping it. According to EPI's website, <www.earth-policy.org>, the organization provides a vision of what an environmentally sustainable economy – an eco-economy – looks like. It offers glimpses of how to get from here to there.

Unquestionably, balance will be restored to finite life-supporting natural systems. And there is a plan to get us there. Either we can do the planning, or the planning can be left to universal laws of nature. Brown's vision offers the more civil transition.

This book asks whether the environment is a subset of the economy, or whether the economy is a subset of the environment. Economists and ecologists part company on this issue. According to Brown, our life-support system is endangered whenever economists prevail in constituting the environment as a subset of the economy.

Brown's optimism shines as he unveils an image of a sustainable economy. Here we peacefully coexist with natural surroundings. We strike a responsible balance. His vision for sustainability includes solar/hydrogen energy, reusable materials, increased water productivity, biodiversity conservation, cities for people (rather than cars), and reduction of global population through female empowerment.

The transition to sustainability will require foresight, insight, and cooperation. It will be accelerated by shifting the tax burden away from wages and onto resource-depleting, fossil fuel-consuming activities. He looks with favor upon carbon taxes. Brown's eco-economy fosters incentives for recycling and for new energy technologies. He also promotes voting with our wallets through "eco-labeling"; i.e., labeling environmentally sound practices and products.

Progress toward a sustainable state is retarded by certain governmental subsidies. For example, hefty taxpayer support of roads and for access to cheap fossil fuels discourage the use of more efficient transit.

Brown emphasizes the urgency of this transition. We find ourselves on a perilous, self-reinforcing cycle of degradation and hardship. This cycle is not without precedent. Three early civilizations disintegrated on environmentally unsustainable economic paths when technology outpaced the wisdom to use it.

The early Sumerian civilization of the fourth millennium B.C. utilized sophisticated engineering concepts for irrigation systems. A complex social organization managed the operation. Sumerians had the first cities and written language. Dammed water used for irrigation raised crop yields. Over time, the process led to an accumulation of salt. This reduced soil productivity. The civilization perished.

The Mayan civilization, near what is now Guatemala, flourished from 250 A.D. until its collapse 650 years later. Deforestation and soil erosion led to food scarcity. This set the stage for deadly competition among Mayan cities.

A similar fate awaited the burgeoning population on Easter Island in the South Pacific. The island was settled by humans around 400 A.D. As fishing techniques improved, the population flourished and increased exponentially until it breached the carrying capacity of 20,000. Scarcities led to depopulation and cannibalism.

Brown poses an "unanswerable question": "Did the Sumerians understand that rising salt content in the soil was reducing their wheat yields? If they knew, were they simply unable to muster the political support to lower water tables, just as we today are struggling unsuccessfully to reduce carbon emissions?"

In a seemingly comfortable, albeit unsustainable, lifestyle we are lulled into a sense of security. Brown, on the other hand, is no stranger to the environmental consequences of poor planning. As a reporter on the human drama in collapsing ecosystems for over a quarter century, he is on comfortable terrain to formulate a visionary policy.

If this were the end of history, we might be able to justify the continued unsustainable depletion of natural resources. But maybe this is not history's end. We might still become the ancients. Our actions might still be judged by future historians. When our page of history is turned by those living with the consequences, Lester R. Brown holds a promise for us: that we might yet possibly be remembered as good ancestors. ■

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Demography & Destiny

Immigration, ethnicity, and the future of America's national and civic culture

Books reviewed by Kevin Lamb

Historian Otis L. Graham reflects in his recently coauthored book *Debating American Immigration 1882-Present*, "We all know that the past shapes both the present and the future, but we rarely appreciate how much the present shapes our view of the past. Responding to changed circumstances, we ask different questions of the history that is behind us, rethink it, bring away different meanings." Graham's point is worth pondering in the wake of the devastating terrorist attacks that occurred on September 11, 2001. As details about the culprits emerged in the aftermath of this methodically orchestrated assault, public concerns began to intensify over America's lax immigration policies. Yet the lessons derived from this episode seem perplexing for America's cultural elite. The fictitious mantra that "diversity" is a source of strength for "multicultural" nations continues to mesmerize elitists. However, opinion polls reveal that the vast majority of Americans, unlike the nation's ruling elites, recognize how the lack of immigration reform and lax enforcement of existing immigration laws factored into this cataclysmic atrocity.

The New Americans: How the Melting Pot Can Work Again
by Michael Barone
Washington, DC: Regnery Publishing, Inc.
338 pages, $27.95

Making Americans: Immigration, Race, and the Origins of Diverse Democracy
by Desmond King
Cambridge, MA: Harvard University Press
388 pages, $47.50

Two recent immigration books, *The New Americans* by Michael Barone and Desmond King's *Making Americans*, epitomize the raison d'être of this zeitgeist. According to Barone, a regular panelist on *The McLaughlin Group* and coauthor of the biannual *Almanac of American Politics*, America's greatest national strength is its open practice of accommodating immigrants. The challenges that face America in assimilating large numbers of ethnically diverse peoples, according to Barone, are virtually identical to earlier periods of mass immigration. Barone argues, "Today's minority groups can be interwoven into the fabric of American life, as were the immigrant groups of the past." He attempts to show that the difficulties in assimilating Hispanic, Black and Asian immigrants are no different from the assimilation of Jewish, Irish or Italian immigrants during the early twentieth century. Likewise, Barone dismisses public apprehensions over current immigration levels as groundless "stereotyping."

The argument is a familiar one that has emerged in neo-conservative circles: America is a nation of immigrants, and as such, the U.S. – unlike other nations – should accommodate *with few exceptions* those who seek entry into the United States. Concerns about limits or national origins are viewed as "quotas" that reflect Know-Nothing sentiments. Give those seeking refuge from other despotic lands an opportunity to improve their own conditions and, with the passage of time, they will not only become self-sufficient but also enhance the nation's economic and social fabric. For Barone, the nation's civic culture remains insulated from the pressures of ethnic composition, national origins, or the *magnitude* of population changes. The recent fact about California's population becoming so ethnically diverse that the state's plurality of ethnic minorities constitutes a majority is in Barone's view an illustration of how America has become "multi-grain" instead of remaining a "white-bread" nation. Ever the optimist, Barone constantly notices the silver lining to

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every gray cloud. Time is on the side of the angels.

In all fairness, Barone makes some candid observations of the various groups he seeks to illustrate, like pointing out that many Hispanic immigrants simply fail to attain middle-class status and therefore remain impoverished. He admits that national character – population traits and cultural habits – remains a frequent impediment to adopting the civic customs of a host nation. Barone tacitly recognizes these national differences even though he dismisses their significance. He also reflects upon the uncomfortable fact that, as a group, African Americans have comparatively higher violent crime rates despite societal attempts to rectify past disadvantages. Although Barone admits that the process of "Americanization" – cultural and ethnic assimilation – has not been flawless in the past, he genuinely believes in the concept of the "melting pot." Over time, the process of "Americanization" triumphs over the bonds of nationality and ethnicity.

However, Barone's acceptance of the "melting pot" metaphor is naively flawed for several reasons: in its crude form, it reflects what Karl Popper once articulated as the "fallacy of historicism" – history will inevitably repeat itself because that which has happened in the past is destined to happen in the future; foreign nationals seeking entry into the U.S. deserve to be admitted because (a) the U.S. is a "nation of immigrants" and (b) their purpose for seeking entry indicates noble aspirations; and considerable population shifts in the nation's ethnic landscape yield little if any detrimental political, social or cultural consequences.

One noticeable feature of Barone's book is its lack of intellectual depth. The book is a refined compendium of neo-con reflections (as proof of Madison Grant's bigotry, he cites John Miller quoting from Grant's *The Passing of the Great Race*); and the only original source cited in terms of references is the Historical Statistical Tables of the Census. McGuffey's Readers seem Spenglerian by comparison. One gets the impression that Barone's book is little more than a careless afterthought to an existing body of neo-con literature on the marvelous wonders of America's immigrant heritage.

In many respects Desmond S. King's *Making Americans* is the antithesis of Barone. As a more informative, deeply analytical and intensely researched volume, the book's focus reconsiders how the U.S. has evolved into what the author calls a "diverse democracy." Although King's underlying argument bolsters the "multicultural" perspective, his impressive and articulately written narrative conveys important lessons for restrictionists: Our ancestors clearly recognized the future perils of a "melting pot" replete with unassimilable nationalities. Much of King's account provides an overview of the efforts behind the passage of legislation just after the turn of the century.

The activities of the Immigration Restriction League, founded by three Harvard graduates, as well as the work of leading eugenicists like Charles Davenport, Harry Laughlin, Lothrop Stoddard, Grant, Henry Goddard, and Henry Pratt Fairchild surface to the fore. King in fact devotes a separate chapter to Laughlin's influence on the legislative process during the 1920s. As previous waves of mass immigration during the late nineteenth century brought a vast range of undesirables to America's shores, public concerns began to mobilize against this alien tide. Massachusetts Senator Henry Cabot Lodge described "this wave of immigration as one bringing the 'greatest relative increase from races most alien to the body of the American people'." As King points out, even Woodrow Wilson, that advocate of Americanized assimilation who according to Barone rejected immigration limits, shared concerns about the ethnicity of recent immigrants.

"One gets the impression that Barone's book is little more than a careless afterthought to an existing body of neo-con literature on the marvelous wonders of America's immigrant heritage."

Wilson's fears about racial mixing and about the threat posed by immigrants were of a long-standing character, since he had expressed concern in the 1880s about southern and eastern European immigrants: he concluded that they possessed "neither skill nor energy nor any initiative of quick intelligence."

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In his *A History of the American People*, Woodrow Wilson, then a political scientist at Princeton University, alerted readers to the new source of immigrants manifest in the 1890 census, an alteration which "students of affairs marked with uneasiness." Overtaking the "sturdy stocks of the North of Europe" were "multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence." To Wilson's watchful eye, it was as if "the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population."

King's point is that progressives and conservatives alike viewed the process of assimilation as bringing together compatible peoples of European ancestry. Unlike Barone, King understands that this emphasis on assimilation applies to America's Anglo heritage. The degree of tolerance and notion of inclusion, which Barone prescribes to Wilson, Theodore Roosevelt, and other leading "progressives," is simply distorted. During the first decade of the twentieth century, Congress established a commission to collect and analyze original data on American immigrants. King notes that the commission's findings were comprehensive and that the commission was meticulously thorough in collecting original data on more than three million immigrants. The findings, documented in 42 volumes and published in 1911, formed the basis of further legislative acts to restrict immigration levels.

From the time of the Dillingham Commission to the passage of the Johnson-Reed Act in 1924, concerns about the *quality* of recent immigrant stocks elicited the attention of leading eugenicists. The chairman of the House Committee on Immigration, Congressman Albert Johnson, "commissioned [Harry H.] Laughlin to undertake a series of reports for the committee" in which Laughlin produced several reports and provided sporadic testimony to the committee during the 1920s. According to Laughlin, "the character of a nation is determined primarily by its racial qualities: that is, by the hereditary, physical, mental, and moral or temperamental traits of its people." Testifying before the committee, Laughlin argued:

> *The time will come when this country will have to face, more courageously than it has at the present time, the matter not only of race and of individual quality, but also of pedigree or family stock, and we will have to face boldly and courageously the matter of race. It is a matter of conservation of nationality. After the Chinese exclusion act, the greatest step that the American people took in relation to the nationality of race was, of course, the quota laws of 1921 and 1924. It is now clear that the country has in its recent legislation entered definitely upon the biological basis, a farsighted policy, of immigration control.*

The implementation of literacy testing in 1918, the enactment of immigration quotas in 1921, and national-origins quotas in 1929, and the passage of the 1924 Johnson-Reed Act allowed the nation, in Calvin Coolidge's own words, "to stop the seepage of aliens" from entering the country. One interesting aspect about the work of the House Committee on Immigration is that all but two congressmen on the committee supported the passage of the Johnson-Reed Act. Rep. Samuel Dickstein (D-N.Y.) and Adolph Joachim Sabath (D-IL.), as King points out in considerable detail, staunchly opposed the measure and became "the leading congressional critics of the new law." Neither hailed from the ranks of what was commonly known as "old stock" Americans. Dickstein, a native of Vilna, Russia, immigrated to the U.S. with his parents who took up residence in New York City while Sabath, originally from Zabori, Czechoslovakia, upon moving to the U.S. settled in Chicago.

The difference between King and Barone's assessment of various issues like assimilation, ethnic plurality, and multiculturalism is that the depth of King's analysis and original research provides a consistently more coherent view of *how* and *why* American society has become so ethnically diverse while attempting to absorb immigrants. Although King and Barone both view America's ethnic "diversity" as an attribute of its democratic legacy, Barone simply rejects what King seems to applaud – a multicultural society diverse beyond the point of assimilation. Barone's analysis reflects a tenuous calculation in the neo-conservative paragon of American society, that as a nation of immigrants, our national and civic character will remain intact provided this ethnically diverse stream of immigrants is assimilated into America's national fabric. As proof of this successful trajectory, Barone writes off the restrictionists' efforts around the turn of the twentieth century to limit the numbers of Eastern Europeans

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flooding into the country because they have been fully assimilated into American society. But has this assimilation been all that successful?

Last October 29, as the Christmas season approached, the Kensington, Maryland, Town Council decided to modify their annual tree-lighting ceremony with a more "patriotic" celebration of red, white and blue lights in the wake of the September 11 terrorist attacks. The noticeable change in this year's "patriotic" decision was the omission of the ritual lighting by Santa Claus from the top of a local fire engine. Kensington's town council rejected the inclusion of a menorah after two residents, critical of Santa's involvement, proposed altering the traditional lighting ceremony. As a result, the town's four-member council decided to drop Santa from the lineup. Since the decision caused a firestorm of protest, the ensuing backlash prompted Kensington officials to reverse the council's ruling putting Santa back in the ceremony. Perhaps this is what Barone has in mind when he points to the euphoric success of America's "melting pot."

One wonders if Barone, or even King for that matter, comprehends President Theodore Roosevelt's warning that, "the one absolutely certain way of bringing this nation to ruin, or preventing all possibility of its continuing as a nation at all, would be to permit it to become a tangle of squabbling nationalities." ■

American Democracy: Does It Have a Future?

Book Review by Otis L. Graham, Jr.

Among the sensible people I meet, it is generally assumed that university professors are a (small) part of America's problem, along with TV and print journalists and their bosses, Hollywood executives, top lawyers, corporate officers from especially the big multinationals, foundation officials, leading clergy – in short, America's liberal elites, disconnected from the masses below them and arrogantly managing what average people hear, think and are allowed to discuss. Sensible people have complained about this for some time, and, being sensible, know that there are some exceptions. Among history professors, the group I know best, the exceptions occasionally openly rebel in print and become critics of the elite classes they belong to, and of the direction they are taking America. I think of the late Robert Wiebe (see his *Self-Rule* (1995), Fred Siegel (see his *Troubled Journey: From Pearl Harbor to Reagan*), the sociologist-historian Todd Gitlin (see his *The Twilight of Common Dreams* (1995)), William Leach (see his *Country of Exiles* (1999) and the non-academic Michael Lind (see his *The Next American Nation* (1995)). For some years now and until his death in 1996, the most influential of this small school of counter-establishment historians was surely Christopher Lasch. His last book, a collection of essays entitled *The Revolt of the Elites*, passionately expressed his own revolt against those elites, along with searching insights into American cultural directions seen in the light of history.

The Revolt of the Elites and the Betrayal of Democracy
by Christopher Lasch
New York: W. W. Norton
276 pages, $14.95 paperback

"Kit" Lasch was a former lefty (he might still have identified himself that way in the 1990s, but among lefties, he was no longer a lefty), which did not make him unusual when he began his career in the 1960s. What set him apart was his chosen audience, the American reading public. After his first, "academic" history (*The American Liberals and the Russian Revolution* (1962) Lasch wrote for intelligent

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generalists, and became essentially a contemporary social critic whose intellectual base was in historical learning. His *The New Radicalism in America* (1965) was widely reviewed and probably engaged both academic and public audiences, but subsequent books, especially *Haven in a Heartless World* (1977), a defense of family in a time of rising divorce rates, and *The Culture of Narcissism* (1979) connected to large audiences, including every book club in my home town of Santa Barbara. Professional historians, it was my impression, did not much read or discuss Lasch, and he did not much care.

"...the privileged class... has never been so dangerously isolated from its surroundings"
– Christopher Lasch

The Revolt of the Elites is vintage Lasch – a cluster of scintillating essays rather than a coherent whole, brilliantly written in places, restlessly moving across a vast topical and historical terrain. His main theme in this book could be said to have been his central lifelong theme – "the question of whether (American) democracy has a future." This may have seemed a bit melodramatic in 1995, era of stock market boom and international "We're # 1." But worries about the condition and future of American democracy not only are always with us, but had seemed well-founded to many even in the euphoric 1990s. While the class-related problems of the 1980s had eased somewhat – urban decay, rising crime rates, de-industrialization – the 1990s did not end the sense that the middle class was shrinking between a polarizing rich and poor, and cultural concerns were intensified. Where were multiculturalism, unimpeded globalization, mass migration, tribalism in politics, and especially a corrosive cultural relativism – all of these invented and welcomed by the nation's elites – taking the country? Arthur Schlesinger, Jr., the eternal optimist, had just written his only worried book, *The Disuniting of America* (1991), and there was a palpable uneasiness about America's direction felt in different ways by the public and by intellectuals. Books that would explain to us what was wrong with us would find eager audiences. I do not know what sales *The Revolt of the Elites* enjoyed, and Lasch was certainly not the first writer to complain of elite disconnect. Note the wide readership for two books explaining how the liberals lost touch with the American electorate including their own base – Thomas and Mary Edsall's *Chain Reaction* (1991), and E. J. Dionne's *Why Americans Hate Politics* (1991), or angry attacks on liberal/cosmopolitan elites by writers such as Robert Reich, Richard Bernstein, Russell Jacoby and Robert Hughes, not to mention an avalanche of books on the "culture wars."

The special merit of this last Lasch book is a vast reconnaissance of cultural/intellectual problems and trends in a small space. He begins with a scathing chapter on the social gap that is widening between America's new elites and commonalities of all kinds. We have always had elites, but the "privileged class... has never been so dangerously isolated from its surroundings," by which he means the loyalties of locality, neighborhood, region. He returns to this theme several times from different angles, and in other chapters addresses other malfunctioning areas of American life: the universities; a deteriorating public debate; the rise of the "self-esteem" movement in American religion, crowding out religion's critical capacities; the decay of public institutions. None of these is new. But Lasch brings to them two enriching qualities. The first is a backward-ranging historian's memory, so that contemporary troubles may be seen in the light of what Emerson or Lincoln or Dewey or Lippmann or Jane Addams thought and did. The second is a fast-moving critical assessment of contemporary writers the reader may have missed or forgotten: Jane Jacobs, Michael Sandel, Amitai Etzioni, Robert Reich, Phillip Rieff. This little book places itself at the intersection of past and present concerns, engaging the best commentary produced in arguments from a past we may have forgotten or a present we have been too busy to engage.

And what should be done, what are we to conclude, where are we going? Lasch offers nothing along these lines, and he never did. He puts ideas in play, and you figure it out for yourself. ■

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DEBATING AMERICAN IMMIGRATION

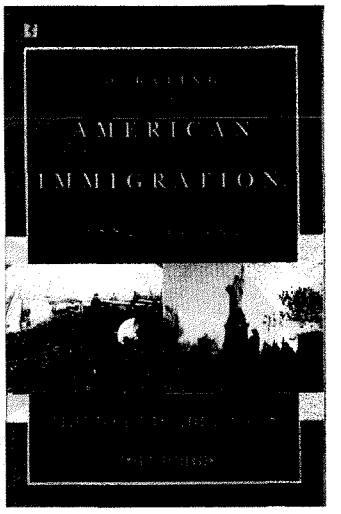
1882 – PRESENT

by

ROGER DANIELS

and

OTIS L. GRAHAM



A new book in the series "Debating Twentieth Century America," *Debating American Immigration,* is authored by two accomplished historians. Roger Daniels is professor of history at the University of Cincinnati; Otis L. Graham is professor of history at the University of North Carolina at Wilmington.

Far from being a recent debate, immigration policy has been a subject for public discussion from colonial times. European communities saw the "New World" as a convenient place to exile criminals and paupers. The Potato Famine in Ireland, political upheavals in Europe, the industrial expansions of the post-Civil War era – these were among the push and pull factors to fuel migration to America over the next two hundred years, culminating in the Great Wave of 1900-1914. Then after a long lull instituted by the national origins quotas of the 1920s came a liberalization of immigration regulations in the Immigration Reform and Control Act of 1965. Both Daniels and Graham concentrate on the major and decidedly unintended consequences of this legislation which has had such a profound effect on the make-up and prospects of the population of the United States. They do so from what John Higham of Johns Hopkins calls "starkly contrasting points of view."

Is a constant stream of newcomers vital to America's economy? Are the immigrants coming too fast and in such large numbers as to jeopardize America's workers, culture, political system? The debate is a lively one and the contributions of Daniels and Graham help us to explore the matter in depth.

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